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Bhadra 10, 1898 (Saka)

LOK SABHA DEBATES

(Seventeenth Session)

(Vol. LXIV contains Nos. 11—17)

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CONTENTS

No. 16—*Wednesday, September* 1, 1976/*Bhadra* 10, 1898 (*Saka*)

COLUMNS

Obituary Reference (Shri H. V. Koujalgi) . . . . . 1—2

Papers Laid on the Table . . . . . 2—7

Message from Rajya Sabha 7

Assent to Bills 8

Leave of Absence of Members from the Sittings of the House . . 8—9

Public Accounts Committee—

Two Hundred and Twenty-ninth Report . . 9

Committee on Petitions—

Thirty-third Report 9

Business of the House . . . . . 9—12

Delhi Milk Corporation Bill—*Introduced* . . . . . 12—13

Constitution (~~Third~~ Forty-fourth Amendment) Bill—

Motion to Introduce—

Prof. S. L. Saksena . . . . . 13—14
Shri Indrajit Gupta . . . . . 14—15
Shri H. M. Patel . . . . . 15—22
Shri Samar Mukherjee . . . . . 22—25
Shri Tridib Chaudhari . . . . . 26—28
Shri P. G. Mavalankar . . . . . 28—32
Shri H. R. Gokhale . . . . . 33—40

Salaries and Allowances of Members of Parliament (Amendment) Bill—

Motion to consider . . . . . 40—71
Shri K. Raghu Ramaiah . . . . . 40—44, 66—71
Shri Indrajit Gupta . . . . . 44—48
Prof. S. L. Saksena . . . . . 49—50
Shri P. G. Mavalankar . . . . . 50—56
Shri Jambuwant Dhote . . . . . 56—58
Shri Ramavatar Shastri . . . . . 59—61
Shri Ebrahim Sulaiman Sait . . . . . 61—64

COLUMNS

Shri Paripoornanand Painuli . . . . . 64—65

Clauses 2 to 8 and 1 . . . . . 71—101

Motion to pass as amended—

Shri K. Raghu Ramaiah 101

Statutory Resolution *Re.* Continuance of Proclamation in relation to Gujarat . . . . . 101—62

Shri Natwarlal Patel . . . . . 102—106

Shri Bhogendra Jha . . . . . 106—12

Shri Hari Singh . . . . . 112—16

Shri Jambuwant Dhote . . . . . 116—21

Shri Arvind M. Patel . . . . . 121—23

Shri P. G. Mavalankar . . . . . 123—31

Shri M. C. Daga . . . . . 131—33

Shri Popatlal M. Joshi . . . . . 134—36

Shri Ishaque Sambhali . . . . . 136—44

Shri B. V. Naik . . . . . 144—45

Shri K. Mayathevar . . . . . 145—47

Dr. Rudra Pratap Singh . . . . . 147—50

Shri K. Brahmananda Reddy . . . . . 150—58

Statutory Resolution *Re.* Guarantee by Tamil Nadu Government in respect of Debentures of Tamil Nadu Cooperative State Land Development Bank Ltd.—

Shri Shahnawaz Khan . . . . . 162—63

Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill—

Motion to consider—

Shri K. Brahmananda Reddy . . . . . 163—68

Shri Kartik Oraon . . . . . 168—69

Shri Jharkhande Rai . . . . . 169—72

LOK SABHA

Wednesday, September 1, 1976/ Bhadra 10, 1898 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

OBITUARY REFERENCE

MR. SPEAKER: Hon. Members, I have to inform the House of the sad demise of one of our former colleagues, Shri H. V. Koujalgi who passed away at Bailhongal in Belgum District of Karnataka on the 30th August, 1976 at the age of 67.

Shri Koujalgi was a Member of Third Lok Sabha during the year 1963-67 representing Belgaum constituency of the former Mysore State. Prior to that he was Member, Bombay Legislative Assembly from 1952—62 and of Mysore Legislative Assembly from 1956—62.

A soft spoken and amiable person, Shri Koujalgi used to take active interest in the proceedings of the House. He also took keen interest in the development of the rural areas and he held several offices in the local bodies in his home State. He was also the Revenue Minister of erstwhile Mysore State and also held the office of Chairman of Mysore State Financial Corporation during the years 1959—63.

We deeply mourn the loss of this friend and I am sure the House will join me in conveying our condolences to the bereaved family.

The House may stand in silence for a short while to express its sorrow.

Members stood in silence for a short while.

11.02 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER URBAN LAND (CEILING AND REGULATION) ACT, 1976 AND TAMIL NADU URBAN LAND (CEILING AND REGULATION) ACT, 1976 WITH STATEMENT FOR DELAY

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING (SHRI H. K. L. BHAGAT): I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) under sub-sections (3) of section 46 of the Urban Land (Ceiling and Regulation) Act, 1976:—

(i) The Urban Land (Ceiling and Regulation) Third Amendment Rules, 1976, published in Notification No. G.S.R. 1049 in Gazette of India dated the 17th July, 1976 together with an explanatory memorandum.

(ii) The Urban Land (Ceiling and Regulation) Fourth Amendment Rules, 1976, published in Notification No. G.S.R. 1107 in Gazette of India dated the 24th July, 1976 together with an explanatory memorandum. [*Placed in Library. See* No. LT-11341/76].

(2) (i) A copy of the Tamil Nadu Urban Land (Ceiling and Regulation) Act, 1976, (President's Act, No. 34 of 1976) published in Gazette of India dated the 3rd August, 1976, under sub-section

[Shri H. K. L. Bhagat]

(3) of section 3 of the Tamil Nadu State Legislature (Delegation of Powers) Act, 1976.

(ii) An explanatory statement (Hindi and English versions) on the above Act indicating *inter-alia* the reasons for not laying the Hindi version. [*Placed in Library. See* No. LT-11342/76].

PETROLEUM RULES, 1976 AND ANNUAL REPORT OF DEVELOPMENT COUNCIL FOR LEATHER AND LEATHER GOODS INDUSTRIES FOR 1973-74

THE MINISTER OF STATE IN THE MINISTRY OF INDUSTRY (SHRI B. P. MAURYA): I beg to lay on the Table—

(1) A copy of the Petroleum Rules, 1976 (Hindi and English versions) published in Notification No. G S.R 479(E) in Gazette of India dated the 26th July, 1976 issued under sections 4, 5, 14, 21, 22, and sub-section (1) of section 29 of the Petroleum Act, 1934 together with an explanatory note [*Placed in Library See* No. LT-11343/76].

(2) A copy of the Annual Report (Hindi and English versions) of the Development Council for Leather and Leather Goods Industries for the year 1973-74, under sub-section (4) of section 7 of the Industries (Development and Regulation) Act, 1951. [*Placed in Library. See* No. LT-11344/76].

INDIAN POLICE SERVICE (FIXATION OF CADRE STRENGTH) 12TH AMENDMENT REGULATIONS 1976 AND INDIAN POLICE SERVICE (PAY) 13TH AMENDMENT RULES, 1976

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): I beg to lay on the Table a copy of each of the following Notifications (Hindi and English versions) under sub-section (2) of section 3 of the All India Services Act, 1951:—

(i) The Indian Police Service (Fixation of Cadre Strength) Twelfth Amendment Regulations, 1976, published in Notification No. G S R. 765(E) in Gazette of India dated the 25th August, 1976.

(ii) The Indian Police Service (Pay) Thirteenth Amendment Rules, 1976, published in Notification No. G.S.R. 766(E) in Gazette of India dated the 25th August, 1976. [*Placed in Library See* No. LT-11345/76].

NOTIFICATIONS UNDER CENTRAL EXCISE RULES, 1944 AND STATEMENT *re.* GOVERNMENT'S DECISIONS ON REPORT OF CENTRAL EXCISE (SELF REMOVAL PROCEDURE) REVIEW COMMITTEE

THE MINISTER OF STATE IN-CHARGE OF THE DEPARTMENT OF REVENUE AND BANKING (SHRI PRANAB KUMAR MUKHERJEE): I beg to lay on the Table—

(1) A copy each of the following Notifications (Hindi and English versions) issued under the Central Excise Rules, 1944:—

(i) G.S R. 767(E) published in Gazette of India dated the 26th August, 1976 and G.S.R 1266 published in Gazette of India dated the 28th August, 1976 together with an explanatory memorandum.

(ii) G.S.R. 1265 published in Gazette of India dated the 28th August, 1976 together with an explanatory memorandum.

(2) A statement (Hindi and English versions) showing the decisions of Government on the Report of the Central Excise (Self Removal Procedure) Review Committee. [*Placed in Library. See* No. LT-11346/76].

TAMIL NADU CONTRACT LABOUR (REGULATION AND ABOLITION) RULES, 1975 WITH STATEMENT FOR NOT LAYING EARLIER

THE MINISTER OF LABOUR (SHRI RAGHUNATHA REDDY): I beg to lay on the Table—

(1) A copy of the *Hindi version of the Tamil Nadu Contract Labour (Regulation and Abolition) Rules, 1975 published in Notification No. G.O. Ms. 973 in Tamil Nadu Government Gazette dated the 31st December, 1975, under sub-section (3) of section 35 of the Contract Labour (Regulation and Abolition) Act, 1970 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu.

(2) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Notification along with the English version. [*Placed in Library. See* No. LT-11347/76].

NOTIFICATION UNDER TAMIL NADU ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) ACT WITH STATEMENT FOR DELAY AND NOT LAYING THE HINDI VERSION

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI ANNASAHEB P. SHINDE): I beg to lay on the Table—

(i) A copy of the Notification No. G.O. Ms. 1400 in Tamil Nadu Government Gazette dated the 31st December, 1975 issued under section 67 read with section 63 of the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu.

(ii) A statement showing reasons for delay in laying the above Notification.

(iii) A statement (Hindi and English versions) explaining the reasons for not laying the Hindi version of the above Notification. [*Placed in Library. See* No. LT-11348/76].

ANNUAL REPORT OF GUJARAT EXPORT CORPORATION LTD., AHMEDABAD FOR 1972-73 WITH STATEMENT FOR DELAY, TEA (AMENDMENT) RULES, 1976, CERTIFIED ACCOUNTS OF CARDAMOM BOARD, ERNAKULAM FOR 1973-74 AND 1974-75, AND REVIEW AND ANNUAL REPORT OF TAMIL NADU HANDICRAFTS DEVELOPMENT CORPORATION LTD., MADRAS FOR THE YEAR ENDED 31-3-74 WITH AUDIT REPORT

THE DEPUTY MINISTER IN THE MINISTRY OF COMMERCE (SHRI VISWANATH PRATAP SINGH): I beg to lay on the Table—

(1) (i) A copy of the Annual Report (Hindi and English versions) of the Gujarat Export Corporation Limited, Ahmedabad for the year 1972-73 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon, under sub-section (3) of section 619A of the Companies Act, 1956 read with clause (c) (iii) of the Proclamation dated the 12th March, 1976 issued by the President in relation to the State of Gujarat.

(ii) A statement (Hindi and English versions) explaining why a review by the Government on the above report is not being laid on the Table. [*Placed in Library. See* No. LT-11349/76].

(2) A copy of the Tea (Amendment) Rules, 1976 (Hindi and English versions) published in Notification No. G.S.R. 1162 in Gazette of India dated the 7th August, 1976, under sub-section (3) of section 49 of the Tea Act, 1953. [*Placed in Library. See* No. LT-11350/76].

(3) A copy of the Certified Accounts (Hindi and English versions)

*English version of the Notification was laid on the Table on the 26th August, 1976.

[Shri Vishwanath Pratap Singh]

of the Cardamom Board, Ernakulam, for the years 1973-74 and 1974-75 and the Audit Reports thereon, under sub-section (4) of section 19 of the Cardamom Act, 1965. [*Placed in Library. See* No. LT-11351/76].

(4) A copy each of the following papers (Hindi and English versions) under sub-section (3) of section 619A of the Companies Act, 1956 read with clause (c) (iv) of the Proclamation dated the 31st January, 1976 issued by the President in relation to the State of Tamil Nadu:—

(i) Review by the Government of Tamil Nadu on the working of the Tamil Nadu Handicrafts Development Corporation Limited, Madras for the year ended 31st March, 1974.

(ii) Annual Report of the Tamil Nadu Handicrafts Development Corporation Limited, Madras, for the year ended 31st March, 1974 along with the Audited Accounts and the comments of the Comptroller and Auditor General thereon. [*Placed in Library. See* No. LT-11352/76].

11.04 hrs.

MESSAGE FROM RAJYA SABHA

SECRETARY-GENERAL: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:—

"In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 6) Bill, 1976, which was passed by the Lok Sabha at its sitting held on the 26th August, 1976, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

ASSENT TO BILLS

SECRETARY-GENERAL: Sir, I lay on the Table following seven Bills passed by the Houses of Parliament during the current session and assented to since a report was last made to the House on the 11th August, 1976:—

(1) The President's Pension (Amendment) Bill, 1976.

(2) The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Bill, 1976.

(3) The Contingency Fund of India (Amendment) Bill, 1976.

(4) The Antiquities and Art Treasures (Amendment) Bill, 1976.

(5) The Appropriation (No. 5) Bill, 1976.

(6) The Tamil Nadu Appropriation (No. 3) Bill, 1976.

(7) The Pondicherry Appropriation (No. 3) Bill, 1976.

LEAVE OF ABSENCE FROM THE SITTINGS OF THE HOUSE

MR SPEAKER: The Committee on Absence of Members from the sittings of the House in their Thirtieth Report have recommended that leave of absence be granted to the following members for the periods indicated against each:

(1) Shri Sakti Kumar Sarkar—10th August to 1st September, 1976, (Seventeenth Session).

(2) Shri M. K. Krishnan—10th August to 1st September, 1976, (Seventeenth Session).

(3) Shri Madhu Dandavate—23rd to 27th May, 1976 (Sixteenth session) and 10th August to 1st September, 1976 (Seventeenth Session).

Is it the pleasure of the House that leave as recommended by the Committee may be granted?

SOME HON. MEMBERS: Yes.

MR. SPEAKER: The Members will be informed accordingly.

PUBLIC ACCOUNTS COMMITTEE

TWO HUNDRED AND TWENTY-NINTH REPORT

SHRI H. N. MUKERJEE (Calcutta-North-East): I beg to present the Two Hundred and Twenty-ninth Report of the Public Accounts Committee on paragraphs 7 and 20 of the Report of the Comptroller and Auditor General of India for the year 1972-73—Union Government (Defence Services) relating to Procurement of Furnaces and Disposal of Empty Cartridge Cases.

COMMITTEE ON PETITIONS

THIRTY-THIRD REPORT

SHRI BIBHUTI MISHRA (Motihari): I beg to present the Thirty-third Report of the Committee on Petitions.

11.06 hrs.

BUSINESS OF THE HOUSE

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Sir, as the House will notice the agenda is pretty long and, I am afraid, we would not be able to finish it today unless we sit late. I think that is not the desire of the hon. Members. So, Sir, I suggest that to complete the work which is on the agenda, we may sit tomorrow also. I am sorry for the inconvenience caused to any Member for reservation or de-reservation of tickets.

SHRI S. M. BANERJEE (Kanpur): May I make a submission? I hope you will remember that in the Business Advisory Committee on two occasions some members, myself, Mrs. Godfrey and others had requested you to see that some sort of statement is made by the Health Minister on the various questions arising out of family planning. We are all for it. But there are reports from UP and other places that coercive methods are being used. All sorts of rumours are floated. They may be untrue. I am only requesting you to see that some sort of guideline is issued by the Centre which should be announced by the hon. Minister of Health or any other Minister. We welcome it so that we are able to combat the vicious campaign which has been started by certain interested agencies. I would request you to ask the Minister to make a statement clarifying the position of Government and giving confidence to the people that nothing is being done in a coercive manner.

SHRI DINEN BHATTACHARYA (Serampore): I fully support what Shri S. M. Banerjee has said. I also requested you to accept a Call Attention notice on the bonus issue. This is an issue on which throughout the country there is some dissatisfaction and agitation among workers and employees. Some statement or some form of statement must come from Government as to what will happen to those workers who after working for one year are expecting that they would get something before Diwali. Puja or Onam I do not know what will happen. I do not know if this time they will be deprived of it. There is much dissatisfaction and throughout the country a 'day' has been observed by some trade union organisations. Therefore, I would request you, and through you, the Minister, to make a statement on this issue.

MR. SPEAKER: If they prefer to make a statement, they may do so Still we have tomorrow.

SHRI S. M. BANERJEE: On the first point, I hope you agree that there should be a statement by the Minister.

MR. SPEAKER: The Government is before you. If they desire, they can make a statement. I cannot force them to.

SHRI INDRAJIT GUPTA (Alipore): Since the session is being extended by another day—even the members of the Government did not know about it till just now—and even after disposing of the items which are already on the agenda we may have some time in hand, we may utilise it profitably to get these statements which are being asked for.

PROF. S. L. SAKSENA (Maharajganj): I had tabled a half hour discussion on family planning which has been rejected....

MR. SPEAKER: No, I have not accepted it.

SHRI KRISHNA CHANDRA HALDER (Ausgram): May I make a short submission. I wanted to raise one matter under rule 377. That is regarding the firing in Asansol in the Chinakauri colliery. In the Business Advisory Committee....

MR. SPEAKER: That is a different thing altogether.

SHRI KRISHNA CHANDRA HALDER: I had tabled a Short Notice Question. It was not allowed. I wanted to raise this matter here. One person has been killed by police firing in the Chinakauri colliery.

THE PRIME MINISTER, MINISTER OF PLANNING, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS AND MINISTER OF SPACE (SHRIMATI INDIRA GANDHI): On the question of family planning, I have to submit that in answer to questions and outside this House we have stated our policy not to use compulsion in family planning. But this is a State subject. We know that the Maharashtra Assembly has passed a law. But earlier at a meeting in Delhi, a different decision was taken. It is very unfortunate that so many rumours are being circulated, not only as regards this matter, but about a number of other matters....(*Interruptions*), whether here in Delhi or in Calcutta. Recently in regard to one or two cases which were brought to notice in Calcutta, the Chief Minister telephoned to me that when he investigated, there was no truth in the story. In Delhi also, there are stories that the BCG injections or the inoculations against cholera given to children are those for sterilisation. All kinds of nonsense is being spread. But if there is any harassment, it can be looked into. Instructions have been given to all States in this matter.

MR. SPEAKER: Is it the pleasure of the House that we sit tomorrow?

SEVERAL HON. MEMBERS: Yes, yes.

MR. SPEAKER: So the House will sit tomorrow.

11.10 hrs.

DELHI MILK CORPORATION BILL*

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI ANNASAHEB P. SHINDE): Sir, I beg to move for leave to introduce a Bill to provide for the establishment of a Corporation for the purpose of producing, manufacturing, acquiring, distributing and selling milk and milk products in the Union territory of Delhi and other areas so that wholesome milk and milk products may be available to the general public, at a reasonable price, and for matters connected therewith or incidental thereto.

MR. SPEAKER: The question is:

*Published in Gazette of India Extraordinary, Part II, section dated 1-9-76.

"That leave be granted to introduce a Bill to provide for the establishment of a Corporation for the purpose of producing, manufacturing, acquiring, distributing and selling milk and milk products in the Union territory of Delhi and other areas so that wholesome milk and milk products may be available to the general public, at a reasonable price, and for matters connected therewith or incidental thereto."

The motion was adopted.

SHRI ANNASAHEB P. SHINDE: Sir, I introduce† the Bill.

11.11 hrs.

CONSTITUTION (FORTY-FOURTH AMENDMENT) BILL†

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. GOKHALE): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

PROF. S. L. SAKSENA (Maharajganj): On a point of order. I want to oppose the introducing of this Bill. This House has no power to legislate on the subjects contained in the Bill. May I make my submission? I rely on rule 72 which says:

"If a motion for leave to introduce a Bill is opposed, the Speaker, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may, without further debate, put the question:

Provided that where a motion is opposed on the ground that the Bill initiates legislation outside the legislative competence of the House, the Speaker may permit a full discussion thereon."

MR. SPEAKER: If you want to oppose, you should have written earlier. You want to say that it is beyond the legislative competence of the House?

PROF. S. L. SAKSENA: Yes.

MR. SPEAKER: There is no point of order in this. It is quite within the legislative competence of the House. That matter is settled now.

PROF. S. L. SAKSENA: I should have my say on this point.

MR. SPEAKER: You have had your say. Your point of order has been *disposed of. The practice is* to allow only a member who had written earlier that he wants to oppose introduction, if the Chair so decides. Your point of order is settled.

SHRI INDRAJIT GUPTA (Alipore): May I make one submission? About opposing this Bill at this stage, it is possible neither to support it nor oppose it because it—like the curate's egg, good in parts. It is a huge omnibus Bill; such a Bill should never have come before the House. I must point out that all the discussions which have been held so far in the country and which had been initiated by the government side had been on the basis of certain recommendations contained in the report of the committee headed by Sardar Swaran Singh. We were led to believe that that was the basis on which all the discussions were to be held and this Bill had to be drafted. We find to our surprise that the Bill contains so many other provisions which were not mentioned in the report of the Sardar Swaran Singh Committee. I should ask the government to think over the matter, it is a very important question, complicated and complex question involving so many provisions of the Constitution. Before they introduced such a Bill they should have given to all people concerned a chance to discuss the other proposals which were never mentioned by the Sardar Swaran Singh Committee at all. Why

†Introduced with the recommendation of the President.

†Published in Gazette of India Extraordinary Part II, Section 2, dated 1-9-76.

[Shri Indrajit Gupta]

be in such a hurry to introduce? Let them wait. Let them discuss the proposals. No popular opinion was asked on any of the other points. These are suddenly sprung on us as a surprise.

MR. SPEAKER: That the Government will bear in mind.

SHRI INDRAJIT GUPTA: No reaction to this at all?

MR. SPEAKER: He will have the chance and then he can react. He will speak at the appropriate time. Four hon. members have written to me that they want to oppose the introduction of this Bill—Shri H. M. Patel, Shri Samar Mukherjee, Shri Tridib Chowdhury and Shri P. G. Mavalankar. Normally, under the rules only one member is allowed to oppose the introduction of a Bill. But as has been said, and it is a fact, this is a very important Bill. In view of that, I am allowing, without making this a precedent, these four hon. members. Prof. Shibban Lal Saksena has not written to me and I cannot allow him.

Prof. S. L. SAKSENA: I was not here.

SHRI S. M. BANERJEE (Kanpur): In future also will you give chances like this to oppose introduction of Bills?

MR SPEAKER: I have said that this shall not be a precedent. Because it is an important Bill, as a special case, I am allowing more than one member.

SHRI H. M. PATEL (Dhandhuka): Sir, I rise to oppose the request for leave to introduce this Bill—the 44th Constitution Amendment Bill, 1976.

The proposed amendments are based not upon the recommendation of a national committee appointed by Government but upon the recommendations of a committee appointed by the ruling party from among its own members. The recommendations which the Law Minister invited certain opposition leaders to discuss with him were also the recommendations of this Party Committee as modified by the ruling party. It is significant that what appeared in the press in regard to these discussions was merely that certain opposition leaders had met Shri Gokhale and their views will be duly considered before Government formulated its own proposals. Not even at this stage was Government prepared to lift the censorship. In the circumstances, it was scarcely to be expected that Government would, of its own accord, seek to discuss these recommendations—party recommendations though they were—with the real leaders of the opposition parties, most of whom are under detention. In the circumstances, we—I am speaking here on behalf of Congress (O), Jan Sangh, Socialist Party and the Bharatiya Lok Dal, which constitute the Janata Front, the Akali Dal and the Parliamentary group of Congressmen for Democracy—we were left with no option but to decline the invitation to discuss these recommendations with Shri Gokhale. Again, typically there was no mention of this fact of our declining to discuss in any of the papers.

SHRI C. M. STEPHEN (Muvattupuzha): Sir, I rise on a point of order. The rules are very clear. He said, he was speaking on behalf of some Janata Front. This Parliament knows the existence only of certain parties and groups recognised according to the standards stipulated under the Speaker's directions. If you want to speak on behalf of a party or group, you have got to be elected on the basis of a specific election manifesto.

SHRI S. A. SHAMIM (Srinagar): That is the old Constitution!

SHRI C. M. STEPHEN: Therefore, no group of members can claim to represent here a specific group or a specific party unless they were elected to this House on the basis of a specific election manifesto. I can quote the

directions of the Speaker on this. Therefore, my point of order is, this being the rule, whether on the floor of this House any Member could be permitted to speak on behalf of a group which, in the eye of Parliament and in the eye of law governing Parliamentary procedure, does not exist.

My friend does not seek to speak on behalf of the Swatantra Party, on which ticket he was elected. He is entitled to speak on behalf of the Swatantra Party. But he speaks on behalf of, not one party or one group, but on behalf of a specific and new nomenclature which does not exist, on the basis of which no election was held and nobody was returned to this House. Therefore, if he seeks to speak on behalf of that conglomeration, he has no right to speak here on behalf of that. This is my point of order.

SHRI S. A. SHAMIM: The point of order is rejected. Shri Patel will continue.

MR. SPEAKER: This is a point of contention, not a point of order. I have recognised the hon. Member, Shri H. M. Patel, and as long as he says something which is parliamentary, I will allow him.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): This, I presume, is not giving recognition to the new party.

SHRI H. M. PATEL: In spite of the repeated declarations of the Congress Party, Government leaders, and particularly the Prime Minister, that they desired a national debate on amendments to the Constitution, no such debate has been permitted or made possible. Meetings, conferences and seminars have been banned at various places. Even the National Seminar organised by the National Committee for Review of the Constitution, consisting of representatives of various parties, independents, jurists and academicians, was not allowed to be held in Vithalbhai Patel House, New, Delhi, on July 31st and August 1st, 1976. Moreover, whenever and wherever such meetings and seminars were permitted, the version of the proceedings that appeared in the press was truncated, distorted and misleading.

Discussions within the ruling party also appears to have been far from being genuinely free.

SHRI K. P. UNNIKRISHNAN (Badagara): On a point of order. Would you permit him to read out a declaration? He is reading not making a speech. If you allow this, it will become a precedent.

MR. SPEAKER: What is that declaration?

SHRI H. M. PATEL: Sir, I have sought your permission to read out the statement.

Even a pro-Congress national daily such as the 'National Herald' felt constrained to comment editorially that consultation with the Chief Ministers and P. C. C. Presidents was with "those whose appointments are mostly *ad hoc*". The national dialogue has reduced itself to a convenient monologue. Indeed, no national consensus can be evolved on any vital issue in the present oppressive climate of fear and suppression.

The intentions of the Government appear to be contrary to their declarations. They do not want any free debate, and appear determined to rush through proposal of far-reaching character in a period of 'constitutional' dictatorship, and make the dictatorship permanently in-built in the Constitution. By these amendments, the judiciary is sought to be made impotent, the press docile and the Parliament, utterly ineffective through the exercise of its own powers. People, the real masters, will lose their sovereignty and become slaves, in the name of what the ruling party calls socio-economic development and the supremacy of Parliament.

[Shri H. M. Patel]

While fundamental duties are sought to be embedded in the Constitution to inspire the people, significantly, life-long immunity has been sought to be provided for persons in authority from penal effect of all their criminal acts through the passage of the 41st Constitutional Amendment Bill in the Rajya Sabha. Thus, while the people of India will have all duties and no rights, the rulers will have all rights and no duties.

It may be pertinent to point out that some of the actions of the Government are clearly contrary to the proposed fundamental duties. Indeed, the proposed amendments to the Constitution will themselves smother the noble ideals which inspired our national struggle for freedom (Clause 11—51A (b).

The sinister design of the Government is obvious from the way in which the anti-national activities are sought to be defined and prohibited in the Constitution. Any anti-Government, anti-vested interest activity, will become anti-national and no party except the ruling party would be able to exist. The State will become an entrenched fortress of reactionary vested interests and right authoritarianism under the cloak of national interest and national integrity.

The institution of the President is being further denuded of its power of moral persuation.

Clause 59, by vesting the President with arbitrary power virtually to amend the Constitution by order, will sap Parliament of its authority and power and hand it over to the Executive, thereby reducing the Parliamentary system to a make-believe.

All the pillars of parliamentary democracy, Parliament, the President, the Judiciary and the Press are being converted into pliant tools of an all-powerfull executive. The executive will become an omnipotent, omnipresent and omniscient God, democracy and democratic institutions the hollow shadows of their original selves. There will be no air of freedom to breathe.

Sir, we would not like to be a party to any discussion of issues which are basic to freedom and democracy, by a Parliament which has outlived its legitimacy and has thus lost political and moral authority as well.

The Constitution authorises the extension of the life of Parliament during the period of the emergency. But, during this period only routine and the most essential or unavoidable business should be conducted without which the Government cannot function. This period ought not to be utilised for bringing about basic structural changes in the polity. As it is, the Government is extending emergency, amending the Constitution and engendering an atmosphere of fear in order to maintain its grip on the country until it is able to distort the system so thoroughly that the question of free and fair elections can never arise.

For Opposition Members to continue to participate in Parliamentary discussions in these circumstances is to give a semblance of constitutional legitimacy to the Government's move to throttle democracy and impose authoritarian rule. Accordingly, we have dicided to abstain from participating in the proceedings of this House.

Over a year has gone by since the emergency was proclaimed. In its wake has followed the emasculation of Parliament by the detention of several leading opposition and Congress MPs and the imposition of a virtual ban on the publication of Members' speeches except those made by Ministers. Since the very purpose of Parliamentary debate is to asure the people that all points of view have been expressed and discussed freely before a decision is taken, the ban has made a mockery of the parliamentary institutions. And since Parliament is the lynch pin of the multi-party democratic process, the ban has contributed to the subversion of democracy and

the promotion of one-party authoritarian rule. No Parliament in a democratic country can continue to claim legitimacy if most of its leading Opposition Members and important dissenters of the ruling party are kept behind bars. It is much more so when they have already been so held without trial for 14 months, and there appears every reason for assuming that, despite protestations to the contrary, they are to be held indefinitely.

After protesting against these draconian restrictions when Parliament assembled in the July, 1975 session, Members of Opposition groups participated in the subsequent sessions in the hope that the restrictions would be temporary and normal functioning would be resumed soon.

But our hopes have been dashed. Not only have the curbs continued, but the Government has postponed the general elections and extended the life of this Lok Sabha. And even though its mandate has expired, the Government has extended the MISA and tightened its control over the Press with a view to ensuring that no opposition views reach the public. The few newspapers and journals that tried to give some minimal space to mildly expressed opposition views have been shut down. Thousands of opposition party members, Congress dissidents and young dissenters of the regime remain in Jail.

You, Sir, were good enough to arrange discussions with representatives of Government in regard to our request. While it is a matter for satisfaction that for the first time something in the nature of a dialogue took place between representatives of Government and ourselves, it is also a matter for regret that this dialogue should have ended only in agreement to disagree.

We, nevertheless, continue to hope that a day will dawn fairly soon when Congress members and Government will revert to the historic traditions of our freedom struggle and to our national commitment to democratic rights and personal freedom. Once this happens, they will realise the wisdom of releasing our hon'ble colleagues who have been detained for over a year without any grounds and for withdrawing the curbs on the press that come in the way of getting our view point faithfully across to the public.

We will be happy to respond if the Government moves in this direction We will then assuredly extend all our cooperation in the re-establishment of the dignity and honour of Parliament and of this august House so that it truly reflects the will of the nation and not merely a part thereof.

With these words, I oppose it.

SHRI SAMAR MUKHERJEE (Howrah): Mr. Speaker, Sir, on behalf of my party, I totally oppose the introduction of this Bill on Constitutional Amendments. The Bill on such wide-ranging amendments of the Constitution having far-reaching implications on the democratic life of our country should not be hurried through in the manner it has been sought to be done (brought before the House) without a nation-wide free debate seeking the opinion of all sections of the people.

Our main objections to the introduction of this Bill in this Lok Sabha are the following:—

(1) That this Lok Sabha has not the competence to adopt this type of Constitutional reforms which demolish the main foundation of parliamentary democracy and the main features of the present Constitution;

(2) That this Parliament has already lost its mandate of the people since 18th March last. The life of the present Parliament has been kept in existence artificially by using the provisions of the Emergency and the people have been prevented from electing a new Parliament and a new Government in a free atmosphere according to

[Shri Samar Mukherjee]

their own choice on the basis of their experience regarding the performances and promises of the ruling party and the Government.

(3) That the ruling party and its Government which seek to basically alter the Constitution by concentrating power in the hands of the Executive do not reflect the real opinion of the majority of the population because though the ruling party captured two-thirds of the seats of Lok Sabha in the last general election of 1971, it represents only 43 per cent of the votes.

(4) That the proposed amendments were never placed before the people in 1971 during the general elections.

(5) That this Bill has been brought for introduction at a time when the country is groaning under the double Emergency, when all the fundamental rights of the people have been suspended, when the voice and free expression of views specially of the Opposition have been throttled, when press and publicity media have been muzzled and even the speeches of the Parliament Members are not being allowed to be published and the proceedings are not faithfully reported in the press due to censorship.

Not only the public meetings, seminars and conventions to discuss the proposals on the Constitutional amendments organised by the Opposition parties are banned but even closed door hall meetings organised by prominent citizens, jurists, lawyers, educationists, teachers, students, trade unions and various mass organisations are not allowed in many places. We have protested and drawn the attention of the Government but in vain. I have cited certain concrete examples of such banning in my letter to the Parliamentary Affairs Minister when I was invited for discussion on the proposed amendments in the first week of this month. In that letter, I mentioned the major reasons why I was unable to take part in such a discussion.

On the one hand, we are reading in the newspapers and listening to the radio broadcasts the announcement of the speech of the Prime Minister that the Constitutional Amendments should not be rushed through, and that there should be a national debate before they are brought before Parliament; on the other hand, we see that the scope of free discussions and publicity of differing views are deliberately restrained. Full opportunities are kept open only for the ruling Party and their allies to hold meetings freely and to get the widest publicity in the press and radio. This cannot be called a national debate when the views from various sections of the people who differ from the views of the ruling Party are kept almost completely suppressed. Here are some of the recent examples.

The West Bengal State Government has issued an order to the effect that, throughout the State, the CPI(M) and its allies will not be allowed to hold any meetings inside halls on Constitutional Amendments since 10th August, the date of opening of the Parliamentary session. Accordingly, hall meetings organized by our Party and our allies in Calcutta, Kalimpong, Bongaon, etc., have been banned. In Kerala, all the copies of a booklet containing the views of our Party on the proposed amendments which is a translation of a booklet in English in Malyalam language have been confiscated. In Kerala, though the hall meetings have not been banned the use of mike has been banned in order that lesser number of people may be addressed.

(6) That the Bill has been rushed through at a time when the leading

Members of the various Opposition parties in the Parliament are kept in detention and thousands of their supporters are rotting in jail.

This cannot be the condition for any free debate and discussion. We are not against any amendments of the Constitution. On the other hand, we suggested many radical and progressive changes in the Constitution including many fundamental rights for the people through some non-official Bills several years ago. The Government had not reacted favourably to them and did not permit discussions on them. Now, faced with a grave crisis, the ruling Party and the Government, unable to solve any of the problems of the people, want to rush through these amendments over the head of the people to institutionalise the condition of Emergency by depriving people of their basic fundamental rights of expressing freely their views, of criticising the Government, of organizing legitimate movements of protest, of freely electing a government of their choice and of enjoying legal protection from the misuse of power by the executive and the bureaucracy. The main thrust of the proposed amendments incorporated in the Bill is to establish a totalitarian rule of one party dictatorship under the cover of the Constitution.

That is why, our Party is opposed to the introduction of this Bill in this House. I urge upon the Government to postpone this introduction and allow free discussions and debates throughout the country and to seek the verdict of the people on the concrete proposals. Only thereafter, such a Bill can be debated and discussed in Parliament. In case Government ignore this appeal and rush through this Bill, we declare that we will, in no way, be a party to this move and will refrain from taking part in any proceedings and debates on these amendments in this House.

Sir, I oppose the introduction of this Bill.

SHRI TRIDIB CHAUDHURI (Berhampore): Mr. Speaker, Sir, in addition to the points that have already been made by two of the previous speakers, I have to make one or two points as to why I am opposing introduction of this Bill. It is mainly because of this. You have just ruled—and rightly ruled—that Parliament is competent to amend the Constitution. But as far as I have been able to understand, according to the basic law of the land as it stands today, the law as pronounced by the Supreme Court,—the last pronouncement of the Supreme Court in this regard is in the Kesavanand Bharathi case,—Parliament is not competent to effect a fundamental change or transformation of the structure of the Constitution .

AN. HON. MEMBER: Basic features.

SHRI TRIDIB CHAUDHURY: Unfortunately, the way the present amendments have been framed, they affect the basic structure. I do not want to go into the details. But this Parliament, according to the law pronounced by the Supreme Court, is not at all competent...

SHRI VASANT SATHE (Akola): The Supreme Court itself has not defined what the basic structure is. So, we are left in the dark about it.

SHRI TRIDIB CHAUDHURI: Anyway, each has to understand according to his own lights. As I have understood it, this Parliament, according to the law of the land as it stands today, is not competent to effect this kind of fundamental transformation.

But besides this there is my more fundamental objection.

I have always believed that in a country with a written Constitution, it is the people who are sovereign, not any body or organ created....

SHRI S. A. SHAMIM: Not Salves and Sathes.

SHRI TRIDIB CHAUDHURI:....by the Constitution. And this Constitution itself, in its very Preamble which is being sought to be amended declares that categorically. It is an open question whether the Preamble of the Constitution is a provision or article of the Constitution and can be amended by virtue of Article 368. But even then, let me refer to the Preamble. Who gave us this Constitution? On whose behalf this Constitution was proclaimed to the world? We, the people of India. The Preamble itself says:

> "WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN DEMOCRATIC REPUBLIC...."

So, it is clear that this Constitution has been given to us by the people by virtue of the constituent power and the sovereignty of the people and not of this Parliament assembled in this hall. It is only a Constituent Assembly elected by the people who can effect a change in the basic structure of the Constitution.

My third point relates to the make belief superficial changes proposed in the Preamble. It is, as I have just said, it is an open question whether this Parliament is competent or can amend the Preamble by virtue of the powers given under Art 368 Preamble is really a part of the constituent provisions of the Constitution. But the way it has been sought to be amended —apparently very laudable objectives have been sought to be included, particularly, the objective of making India a Socialist Republic. But, unfortunately, at the same time, we know from our experience of the last so many years and particularly, I can claim in this connection that I have been in this House from the very beginning, that whenever from this side and particularly from the side of the Socialist left, or even from the side of some of the hon. Members of that side of the House, i.e. the Congress side, it was demanded that the fundamental right to private property be done away with, the Government has consistently come forward to oppose that proposition. We are now constituting or are taking the powers to constitute ourselves into a Socialist Republic, keeping intact the right to private property under article 31. We have so far only changed the so-called compensation, the *quid pro quo* that has to be paid for private property taken over by the State into an 'amount'. That is all. But the right to private property will remain inviolate. A Socialist Republic based on the system of the sanctity of private property is a fraud upon the confidence of the people and a fraud on the Constitution. That is why I oppose this Bill all the more.

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Speaker, Sir, I rise to oppose the introduction of the Forty-fourth Amendment of the Constitution Bill sought to be moved by my friend, hon. Shri Gokhale. I do so on constitutional, legal, political and moral grounds.

The Minister, has in his Statement of Objects and Reasons, opened with a very interesting paragrah, a truism in itself. He says: —I quote:

> "A Constitution to be living must be growing. If the impediments to the growth of the Constitution are not removed, the Constitution will suffer a virtual atrophy."

Who denied this? But what has happened to the Government who only in 1975 publicly and here in the Central Hall at a special ceremony lauded the basic democratic tenets of our constitution, acclaimed it with great enthusiasm and praised the founding-fathers and makers of the Indian Constitution? What happened within one year to make them say that the Constitution became so bad, so weak, that it needed such a comprehensive piece of amending legislation? I think this is nothing but political hypocricy on the part of the Government of the day. Nobody denied the need for changes in the Constitution. Indeed whenever a constitution of a free

country is made although the constituent power to frame the constitution is statutorily exhausted in the very making of the constitution it also implies that when the constitution needs changes in future times those changes could be made, but only according to the wishes and consent of the people concerned. Sir, Pandit Jawaharlal Nehru and many of his very esteemed colleagues all of whom we respect have said that changes in the Constitution could be made only occasionally and only after full consultation with the people. I want to quote a few lines from Pandit Jawaharlal Nehru, who said this:

> 'While we want this Constitution to be as solid and permanent as we can make it, we could not make this Constitution so rigid that it cannot be adopted to changing circumstances'

Now, Sir, it is to the eternal credit of Pandit Jawaharlal Nehru, Babu Rajendra Prasad, Maulana Abul Kalam Azad and Sardar Vallabhbhai Patel, the four top congress leaders within the Constituent Assembly of India who, while drafting the Constitution of free India, for the Republican and Democratic India, did not consult only their own Congress party men in that Assembly but they had the wisdom, imagination and broad-mindedness to consult all shades of opinion, even those who were opposed to the Congress party before independence. Why? Because, these four tall leaders of the Indian National Congress had this good sense and this wisdom to know that the country's constitution is not the prerogative of the party in power, whether this party or that party, but that it is the prerogative of the entire people. If you don't have such consultation now, how can you do anything to amend it? Sir, I don't want to go on record nor do I wish to give an impression to the country outside that many of us on this side of the House and persons belonging to no party whatsoever are opposed to constitutional changes as such. We want constitutional changes, but as I said, these should be only after consulting the people. Moreover, the question is whether the constitutional changes make the constitution better which means more democratic, which means, further, the Government is under effective popular control, and people's sovereignty is further strengthened. But if that does not happen, if Government becomes more strong and people become more weak, then what kind of constitutional change this is, I fail to understand.

When the Parliamentary Affairs Minister was good enough to invite me to come for a dialogue and normally I would have gone for a dialogue, I had to write a letter declining the invitation, stating why I could not accept to come for such a dialogue under the strange situation and conditions which exist in our country today.

The point is this. Major and substantial constitutional changes were never considered as even an important election issue in 1971 or thereafter. Indeed, as I said earlier, the present constitution was lustily cheered and its merits publicly lauded by the top governmental and national leaders when the completion of 25 years of our constitution and the democratic republic was celebrated in 1975. How and why then this sudden craze and rush for constitutional amendments? In any case, what right do we, the people's elected representatives, possess to materially alter several constitutional provisions and also further venture to disturb as well as destroy the sound pattern of relationship between the three organs of Governmental machinery—Legislature, Executive and Judiciary—and reshuffle some of the basic rights of the citizens and wellconceived tenets of constitutional government, without a proper and prior consultation with the people, our only Masters in a democracy, and without obtaining their views and reactions, much less getting their consent?

Mr. Speaker, Sir, may I also ask you and, through you, this hon. House, all my colleagues on this side or that, in fact, on all sides of the House, in all humility and sincerity, is it right

[Shri P. G. Mavalankar]

and decent, when many of our hon. colleagues belonging to different shades of opinion are in detention for more than fourteen months without knowing why they are in detention, to ask this very Lok Sabha to amend the Constitution keeping these hon. colleagues of ours in the jail? I suggest and I submit that it is neither proper nor decent to do so without their active collaboration and participation in it.

Thirdly, Sir, I do not know whether what we are saying to-day, although it is going on record, will also be permitted to go into the National Press and Radio tomorrow. (*Interruptions*) The point is that the National Press is censored. The national press with its glorious traditions of men like Dadabhai Naoroji, Lokmanya Tilak, Mahatma Gandhi and Pandit Jawaharlal Nehru who defied the British—the mighty British—wrote what they believed was right and in the interest of the nation. Suppose all of us believe that certain things are good while certain others are bad.

MR. SPEAKER: Please conclude.

SHRI P. G. MAVALANKAR: I am concluding, Sir, we are not allowed to say what we want to say in the press. The national press is humbled, humiliated, suppressed and muzzled. Therefore, I feel that this is not the time nor is it the proper moment to bring forward such a comprehensive constitutional amending Bill.

Finally, Sir, I would assert by saying that there is no national free debate in the whole of our country. I say so because of what I see and don't see! Now, a Constitution is a fundamental law of the State. It is a sacred document and is a serious business. It binds, in any real democracy, both the Government and the governed. All must conform to the Constitution, and a constitution must above all, respect always the sovereign will and welfare of the people. It is the people who are the masters of the constitution, and not *vice versa* whereby a government could in the name of the Constitution dictate and dominate over a people. When a constitution needs to be changed, the process must inevitably accompany the widest possible consultation with the people in all sorts of ways and in an atmosphere of full freedom. This is all the more important and necessary, when constitutional changes sought to be made are as widespread and deepening in their effect and impact as are outlined in the Swaran Singh Report.

This Bill goes even beyond the Swaran Singh Committee's Report. So, I want to conclude by saying that this Bill should not have brought here and it should not have been brought here in the manner in which it has been brought. The time is not ripe and it is antidemocratic. And, Sir, the anti-climax comes in clause 59 printed on page 20. I do not want to take the time of the House by referring to the whole Clause. We have read it. This Clause says....

MR. SPEAKER: Do not go into that.

SHRI P. G. MAVALANKAR: I am not going into details. I know that this is not the stage where we can go into details. But, my point is that Clause 59 printed on page 20 gives powers to the President to do everything with regard to constitutional provisions! Then, why are we sitting here? Then, why have at all a Parliament, if the President has to do everything and the Parliament is reduced not only to a non-entity but to an absurd position and humiliating situation also? It is neither honourable for the Members nor democratic for us to function in that kind of a position.

That is why I oppose this Bill which is sought to be introduced by Shri H. R. Gokhale.

MR. SPEAKER: Mr. Gokhale.

SHRI H. R. GOKHALE: Mr. Speaker, Sir.... (*Interruptions*)

SHRI SAMAR MUKHERJEE: Mr. Speaker, Sir, we walk out in protest.

11.54 hrs.

At this stage, Shri Samar Mukherjee and some other hon. Members left the House.

SHRI H. R. GOKHALE: Mr. Speaker, Sir, at this stage, when the Bill is only for introduction, I do not want to make a very long speech. I will try to be brief and confine only to some of the points which are major and common in all the speeches. I might say there was nothing new. If you open the debates on the Twenty-fourth Constitution Amendment Bill which was passed by this House and the other House you will find almost exactly a reproduction of what has been said here today. Even some of the things which were spoken are irrelevant for discussion at this stage. In order to remove some misapprehensions which are deliberately sought to be created, I think, it is necessary to refer to some of them but before I touch those points I would refer to what Mr. Indrajit Gupta said with regard to the discussions which have been held with political parties by me and my colleagues before the Bill was finalised.

While it is true that the report of the Committee appointed by the Congress President and headed by Sardar Swaran Singh had been circulated and had become the basis of discussions generally yet it is not true that all the discussions were confined only to the points which were referred in Sardar Swaran Singh's report. To take the case of the party which is represented by Shri Indrajit Gupta, they had themselves given to us a printed memorandum containing suggestions for amendments to the Constitution and, I am sure, he will agree with me that many suggestions contained there in were quite different and apart from the recommendations made by the Swaran Singh Committee. We had not stopped discussion even on those points. Moreover, at some stage in a matter like this Government has to make a decision. While the Congress President appointed this Committee and, I think, very rightly because the Congress party—as the party of the largest number of Members in this House—had to accept the responsibility of taking a lead in a matter of such vital importance. Therefore, it was in that sense, namely, the Congress as the largest party took the initiative of starting discussion on concrete recommendations made by the Committee headed by Sardar Swaran Singh. That was very useful because that in turn led to the constitution of such committees by other political parties including the Communist Party of India and other political parties who had made their own recommendations and everyone of which was considered and discussed when we held discussions with the opposition parties.

But even then it may be true there are some proposals here in this Bill which are not covered either in the Swaran Singh Committee report or were not covered in the suggestions made by other political parties. I am not only referring to CPI but to other political parties also.

Sir, it has been said that in a matter of this nature we must not rush through. That after the proposals of the Government are known there should be enough time for everyone concerned not only in this House but also outside this House to make their comments and suggestions in the light of what has been proposed for consideration in this House. That is why although ordinarily a Bill could have been introduced and passed that method was not adopted and all that is being done is to introduce in the House and discuss these proposals. That way enough time would be available to the Opposition parties as well as to those outside the House, namely, people at large to make their recommendation and comments and, if I may say so, even criticism with re-

[Shri H. R. Gokhale]

gard to the proposals contained in this Bill. Therefore, the time according to me is not gone. Even after this, the recommendations and suggestions can be made and I have no hesitation in saying that if the suggestions are worth considering they will be taken into account at the time when the Bill will be moved for consideration and finally for passing.

So this is all with regard to what my hon. friend, Shri Indrajit Gupta, said. But the other three or four speakers went into matters which, in my submission, are not at all relevant to the main issue when we take the Bill for introduction. But as I said earlier, some of these statements were made, I think, with a view to create misapprehension and misunderstanding in the minds of people with regard to the Bill. Therefore, while it may not be strictly relevant, I regard it as my duty to deal with some of them which may be relevant at this stage.

12 hrs.

It has been said by almost all those who spoke that the Prime Minister had said at an earlier stage that there should be a nation-wide debate. Undoubtedly so. She had said so, and everyone had thought that such a debate on a vital matter like this was absolutely necessary. But I must say that there has been a very good nation-wide debate on these proposals to amend the Constitution. I have myself seen thousands of articles appearing in big and small newspapers, big and small other journals dealing with these matters, and everyone of these comments contained in either the articles in the newspapers or in the journals had been considered by us before coming to some conclusion before the introduction of the Bill in this House.

SHRI S. A. SHAMIM: For the amendments.

SHRI H. R. GOKHALE: Not only that. There had been discussions in meetings also. I know that a large number of meetings were held all over India in Bar Associations and outside the Bar Associations, in other bodies, for discussing the constitutional amendments.

So I must repeat that it is entirely untrue that there has been no nation-wide debate. In fact, the debate has been nation-wide and has been very effective in the sense that it has brought to our notice many things which were relevant for being taken into consideration in formulating a Bill of this nature.

I know that reference was made to the banning of some meetings. Some members had written to me that some of the meetings at so and so places were banned. I had brought each of these cases to the notice of the Home Minister. I have been able to find out, and I know of some meetings personally, that under the guise of holding meetings for constitutional amendments, the meetings were sought to be used for entirely different purposes. This has happened in Delhi, this has happened in other places. And we have been told that the whole idea in some meetings was to create disorder by getting permission to discuss constitutional amendments. I am quite sure that even now after this, if the authorities concerned are satisfied that the meetings are really to discuss the constitutional amendments, no one will ban meetings genuinely intended for discussing constitutional amendments.

SHRI S. A. SHAMIM: Who will believe you, Mr. Gokhale?

SHRI H. R. GOKHALE: It has been said that there is a clause in this Bill relating to anti-national activities. If some hon. members want to say that anti-national activities should continue, that is a different matter. The whole thing is that if it is accepted that we must in our constitution have

a provision whereby activities which are in their very nature dangerous and detrimental to the nation's unity, to the nation's integrity and to its security and for such other matters. I wonder how anyone can take objection to the proposition that such activities which are basically anti-national ought to be prevented. But eevn then, if there is anything to be said with regard to the exact provision, that is a matter still open for discussion and can be considered when the Bill is taken up for consideration.

It has been said, as I expected would be said, that some hon. members are under detention. I think most of the members who have been detained must thank themselves because we know the manner in which while talking of democracy in this House for a length of time—for a considerable length of time—it was these members who had been using the very privilege of being members of this House for destroying the very democratic setup under the guise of saving it. Somebody said the leaders are in jail. I see most of the leaders have spoken on this. They are here, and almost all the parties who have been opposing have spoken on this Bill. I do not suppose that if in the larger interests of the country the detention of some people was justified, that can be enough ground for saying that a Bill of this nature ought not to be considered by this House.

Something was said about censorship. In the first instance, I must say that there is no pre-censorship now. They know it; they will not say it. With regard to censorship there is something like a law and all that the government, the ministry concerned had done is that they have only given guidelines and told the persons concerned what the law is. Acting under the law is entirely within the powers of the editors or other persons concerned with the publication of the newspaper or other journals. This is used as an argument though everything is reported. I know in Delhi, when constitutional amendments were discussed all the proceedings of that body—it was not a body which could by any chance have been regarded as pro government; it was definitely anti government, all that they said about the Constitution, everything they said was reported in the Press and I had seen it myself. I do not think it is necessary for me to go into all the details.

The last but one speaker referred to the basic features or the basic structure of the Constitution. The hon. Member seems to know more than what the Supreme Court itself knows, because the Supreme Court in the judgement which I have read very carefully has not at all told us what are the basic features of the constitution. Where do we find the basic features? First of all I do not agree, with much respect to the Supreme Court, with the proposition that there is something like the basic features which could not be amended; I repeat what I have said in this House that everything in the Constitutution is capable of amendment provided the due process has been followed. He says that the basic features an being sought to be amended. I say there is nothing; even if there is something called the basic features of the constitution, I do not think there is anything in the proposed amendment which affects the so called basic features of the constitution. We had had this experience looking at it from a very different point of view. When the 24th amendment Bill was moved, they said that there was the Golaknath case and they also said that it was an amendment of the fundamental rights. What happened? We went ahead in the exercise of our constituent power to amend the constitution by the 24th amendment. It is not Parliament, but it is the court which realised that what they had done in the Golaknath case was wrong and they revised the judgement with the result that all these can be subject matters for amendment. Even if some questions were raised, I have no doubt that the Supreme Court will again go into the question. What

[Shri H. R. Gokhale]

is not defined cannot exist and it is incapable of defining it. Therefore I am not worried at all with regard to the contention that the so-called non-existent basic features are not capable of amendment.

Now, the preamble That is again something which has been said in the Press Somebody said that there is no debate I read in the newspapers and journals articles written by people who have been very vocal about this, I do not want to mention their names but all of them had been against the view which had been taken by the government

Their articles had been very elaborately printed in well known weeklies and monthlies in this country and one of them had said the preamble could not be amended I do not know why it cannot be amended In the Keshavanand Bharati Case, the Supreme Court held that the preamble is part of the Constitution On what basis do they say that the preamble is not part of the constitution? I do not see any valid objection nor is there any validity in the objection, that the preamble is not part of the constitution and therefore it cannot be amended

Most of the matters which have been referred to and which were relevant for a reply by me at this stage had been dealt with by me and I am quite sure that when this Bill comes up for consideration in this House at a later stage, every one of those points, I hope only relevant points, will be raised and will be taken into account by the government in deciding whether any changes are necessary or whether the Bill as it is can go through. Sir, I would request you to put the motion to the vote of the House

MR SPEAKER: The question is:

"That leave be granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted.

SHRI H R. GOKHALE: I introduce the Bill.

MR SPEAKER: Items 15, 16 and 17 are postponed and will be taken up tomorrow I have got a request from Mr Dinen Bhattacharyya We will take up item 18

SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K RAGHU RAMAIAH) Sir, I beg to move*

"That the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954, be taken into consideration"

As I said the other day, this Bill has been brought in pursuance of the recommendations of the Joint Committee on Salaries and Allowances of Members The Joint Committee made various recommendations which were considered by the government. Having considered those recommendations, the government have decided that the facilities, etc embodied in this amending Bill may be agreed to.

The most important provision in the Bill relates to pension to ex-members. The Bill provides for a pension of Rs 300 for a member who concludes a five year term as a member, whether continuously or otherwise, whether as a member of Provisional Parliament or Constituent Assembly, whether partly as such member and partly as a member of the Council

*Moved with the recommendation of the President.

of States or Lok Sabha, or again whether partly as a member of the Council of States and partly as a member of the Lok Sabha or again whether as a member of either House either continuously or otherwise. The Bill also provides that for every succeeding year he will be entitled to Rs. 50 more, until the ceiling of Rs. 500 is reached. Thereafter, whatever be the number of years a member puts in either House, he will be entitled only to a pension of Rs. 500.

The Bill also provides by way of clarification that for the period a member remains a minister, he will be treated as a member for the purposes of this Act. Some members brought it to my notice yesterday. I thought it is a valid point and I am moving an amendment to clarify this point.

Secondly, there is now a provision in the Act enabling a member to undertake four air journeys in a session exceeding 75 days and two journeys in a session below 75 days. Sometimes it is not possible for hon. members to utilise those passes during the session during which the right arises. So, we have provided that any air passage which he is not able to utilise under that relevant provision during a session can be utilised by him in the next session or the session thereafter, provided the journey is concluded within the year in which the right arises.

SHRI DINESH SINGH (Pratapgarh): Why not in the inter-session period?

SHRI K. RAGHU RAMAIAH: Shri Dinesh Singh has enquired just now and some other hon. Members also enquired yesterday in the lobby why they should not be allowed to utilize this even in the inter-session period. I would beg of them to bear in mind the history of this provision. Since I myself piloted that Bill, I am aware of the circumstances in which it was incorporated. It was felt at that time that it was difficult for Members coming from distant places in the east or the south of India to make a rail journey during the session time and particularly in those days it used to take two or three days to go and another three days to come back, which means a week. So, for a week the Members would not be able to discharge their duties in the House. Therefore, in order to enable such members to go to their constituencies in the remote places, it was suggested that there should be a provision for two extra air passages, and four during the budget session. So, the whole spirit of it is to enable the members to reach their constituencies during the session time and return back. If that principle is accepted, I am sure Shri Dinesh Singh and other members would appreciate that it is not possible to extend this privilege to an inter-session period.

Then, there are certain cases where the members are unable to reach their constituencies, or reach Delhi, on account of waterlogging, rain, snow or breach of road or whatever it is. There is a clause in this Bill which enable them to avail of a free air pass from that area to the nearest railhead. This applies to all members. Supposing the constituency of a member cannot be reached by train and if there is a plane service to that constituency, he can utilise the free air pass upto to the rail terminal.

Then, a representation has been made, and in fact there is a recommendation of the Joint Committee, that when a member has been elected, he should be enabled to draw his pay from the time he taken oath, and

[Shri K. Raghu Ramaiah]

not from the time he takes his seat in the House. Under the rule, as it stands, a member can draw his salary only from the day he takes his seat in the House and that is possible only during the session time. The Committee recommended that there should be the facility of taking the oath even when the House is not sitting in order to enable the member to draw his salary from the date of taking oath. We have considered that recommendation and have felt that it would be much more gracious to provide that a member would be entitled to draw his salary from the day he is declared elected, because otherwise sometimes the Presiding Officer may not be available and it may not be possible to administer the oath. Therefore, I am moving an amendment to that effect and if the House agrees to it, it will be incorporated in the Bill.

These are some of the basic features of this Bill.

In the Bill as circulated, there are two or three slight omissions and oversights which have been rectified, you kindly see the amendments. First of all, the Bill covers every Members who has served in the Constituent Assembly or Provisional Parliament immediately before the commencement of the 1952 Parliament. All that is provided for and taken care of. If any Member points out any other lacuna, I shall be most grateful and shall rectify it on the floor of the House.

Yesterday, Mr. Samar Mukherjee in his speech said that he objected to this provision as if it is something very extraordinary. I told him that this is not something very novel. On the other hand, we are one of the countries which is logging very much behind. Many other countries have provided for this, and we are one of the last countries to do so. If I may read out, for the information of the House, the list of countries which have already provided pension, they are: Australia, Austria, Belgium, Brazil, Canada, France, Federal Republic of Germany, Israel, Italy, Jordan, Malaysia, Netherlands, Norway, Sweden, United Kingdom, Cameroons, Denmark, Finland and the United States of America.

If any new points are raised, I shall certainly deal with them in my reply.

I commend this Bill for the consideration of the House.

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954, be taken into consideration."

SHRI RAMAVATAR SHASTRI (Patna): I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th November, 1976." (24)

SHRI INDRAJIT GUPTA (Alipore): It is obvious from the atmosphere in the House that Mr. Raghu Ramaiah will not have much difficulty in getting this Bill passed.

We are quite aware of the fact, which he has now tried to underline, that there are many countries whose Parliaments have already provided pensions for their Members after they cease to be Members. The countries which he read out, with the exception of one or two, are all rather what we call prosperous and affluent countries of the West.

AN HON. MEMBER: They are paying much more.

SHRI INDRAJIT GUPTA: We are all aware of the fact that our emoluments and so on are much lower than those paid in many countries. We know that, we have mentioned it on so many occasions, that we are lagging behind, but we are lagging behind in so many other things also.

Let me make it quite clear that I am well aware of the fact that there are many ex-Members of this House who are really in quite difficult financial circumstances. There are a large number of Members in every Lok Sabha who, before they were elected as Members, were more or less full-time political workers, without any other source of income. Everybody does not come here from professions. There are many people on all sides of the House who come here from being wholetime political workers and if they cease to be Members, they will perhaps have to revert to that status. Economically they are very poorly off.

Nevertheless, I wish to say one thing. We would have preferred it if this Bill providing for pension was not brought just now at this particular stage in our country's life. The present, future and past Members will no doubt be very happy, but I am not quite sure how the public will look at this. But then, in such matters we always brush aside what might be the public reaction. At a time of Emergency when many people under the compulsions of circumstances have been asked to sacrifice many things, in many ways—I do not want to go into all that now—who even have been forced to accept lesser emoluments in a way than they were getting earlier, they would not regard it as a very good thing that Members of Parliament should vote for themselves an additional facility of this type.

I want to tell the Minister, Mr. Raghu Ramaiah, that once this Bill is passed, he cannot prevent this demand coming up from every State Assembly also. On this principle, you cannot shut it out. I know, some State Assembly have got it. But the overwhelming majority of the State Assemblies have not got it. But, after passing this Bill, naturally, the flood gates will be opended and every State Assembly would want it. Why should you deny pension to ex-MLAs when you are voting it for yourselves? You cannot do it.

Then, I would say, the opposition to this Bill on principle, the opposition to this principle of pension—maybe, some people here are going to oppose or vote against it, I do not know, maybe, they have gone out of the House—can only to consistent if they are prepared thereafter to take the responsibility of seeing that none of the ex-MPs also for whom the party has taken the responsibility, wherever those ex-MPs happen to be, in whichever part of the country, accepts it—if their party has opposed it, then they will have to take the responsibility to see that none of their ex-MPs accept it—which as a practical proposition also is really quite unrealistic.

I wish to make one or two points more. It has been mentioned just now that the minimum term that has been fixed as qualification for the pension is a normal term of five years If Mr. Gokhale's amendments are passed in the next session—he wants to make the term of the Lok Sabha for six years—in that case, Mr. Raghu Ramaiah also would have to amend this Bill.

AN HON. MEMBER: Not necessarily.

SHRI INDRAJIT GUPTA: I do not know. You know everything, you please tell me. But my point is, what about those Members of the Fourth Lok Sabha who suffered for not any fault of theirs that Parliament was dissolved one year earlier? They served only for four years. What about them? According to the provisions of this Bill, they will be deprived of pension, that is, those Members who have not been able to return to

[Shri Indrajit Gupta]

the Lok Sabha again. I suggest that some provision should be made about these also, by putting a specific clause to that effect. That is an exceptional circumstance. It is not something which happens normally.

The main point that I would like to emphasize here, on behalf of my party, about which we have also given an amendment—I am very serious about it—is that I do not think it is a good thing to put ex-MPs on a kind of higher status than the old freedom fighters in this country. The problem of these freedom fighters has been discussed times without number in this House. The country gave a rather delayed recognition to them. Every Member knows, how many freedom fighters still go on approaching us with representations and so on and how so many of them are in very very difficult circumstances. The Government in their wisdom decided about the freedom fighters pension scheme under which they are given Rs. 200 a month. Even Rs. 200 a month is not given to a freedom fighter who has got an income from other sources of Rs. 5,000 or more per annum. Any freedom fighter who has got an income of Rs. 5,000 or more per annum will not get even a pension of Rs. 200 a month. I want all Members to consider this. Would it be a good thing to put ourselves on a higher pedastal than the freedom fighters by prescribing the minimum pension of Rs. 300, rising upto Rs. 500? There also the freedom-fighter friends will feel that they have been given a quantum of pension which is much lower than that of ex-MPs.

Secondly, there is no distinction here of any kind. I would, therefore, humbly suggest—and we have put forward that amendment—that, in the case of an ex-MP also, if he has got an income from private sources which amounts to Rs. 5,000 or more per annum, as in the case of freedom-fighters, he should not be eligible for this particular pension. Let us not do something which will create more misunderstanding and—I should say—bad feeling between us and those people who could be only freedom-fighters but who did not have the good luck to become MPs. After all, the sacrifices they made for the country were, surely, not less, not computable in terms of less money than in the case of a person who served as M.P. for one term. An ex-M.P. will get more pension throughout his life than a freedom-fighter who may have given his whole life for the country and suffered years and years of imprisonment. Therefore, we are moving this amendment. I would request the hon. Members on that side of the House particularly, to consider it coolly, because, I know they have to deal with many freedom-fighter friends in their own constituencies also. You know very well that freedom-fighters are specially those who are aged, old and sick people—70 years and 80 years....

श्री विभूति मिश्र : (मोतीहारी) हम भी तो फ्रीडम फाइटर रहे हैं ।

श्री इन्द्र जीत गुप्त : आपके अलावा भी आदमी है ।

Mr. Mohsin is sitting. He knows very well because we worry him all the time with cases of people who are pleading that a sum of Rs. 200 is inadequate and should be increased. Government have not yet agreed to increase it except in a few cases. Therefore, our earnest request to the Government is that they may not make a seeming discrimination here of this nature and they may not give the freedom-fighters the occasion to say, 'You fobbed us off with Rs. 200 per month and you have voted for yourselves Rs. 300 to Rs. 500 per month'. Therefore, this ceiling restriction should be there. Let anybody who has not got a private income of Rs. 5,000 or above enjoy this pension by all means. But why should these who have got such sources of income not have that much sense of responsibility and patriotism to give up this

pension? This is our submission. Otherwise, we are not certainly opposing this Bill.

MR. SPEAKER: We have a large number of hon. Members who want to speak on this...

SHRI K. RAGHU RAMAIAH: So far as this section is concerned, there is a broad agreement. Because we have a lot of work ahead of us, I would appeal to them that I would reply. I am appealing to this side of the House. They may permit me to reply, and if I am found deficient, then that may supplement. May I then reply, Sir?

MR. SPEAKER: I will not call any one from the Congress Benches. There are members on the other side.

Prof. S. L. Saksena.

प्रो० एस० एल० सक्सेना (महाराजगंज): मैं इस बिल का बिरोध करता हूं। हमारा मुल्क बहुत गरीब है। दूसरे मुल्कों के मुकाबले हम यहां कम तनख्वाह लेते हैं। पाकिस्तान असेम्बली में उनको 1500 रुपये सैलेरी मिलती है। बंगला देश में भी यही एम०पी० को सैलेरी मिलती है। आस्ट्रेलिया और अमरीका में दसियों हजार डालर एम०पीज० को सैलेरी मिलती है। लेकिन इस महात्मा गांधी के देश में जो भी हम को मिल रहा है उस से हम सन्तुष्ट हैं। जब हम इतना सेक्रीफ़ाइज़ कर सकते हैं फ़िर क्यों इस छोटी सी रकम के लिये ऐसा बिल पास कर रहे हैं? जहां तक मैंने सुना है जो हमारे साथी हैं वह खास इस के लिये इच्छुक नहीं हैं। जो लोग बाहर हैं और जो एम०पी० रहे हैं या इस वक्त हैं उनमें से अधिकांश फ्रीडम फ़ाइटर्स हैं और उस की पेंशन पा रहे हैं। अगर आप इस बिल को पास करेंगे तो हमारे फ्रीडम फ़ाइटर्स कहेंगे कि हम ने अपने लिये इतनी लम्बी पेंशन कर ली और उन के लिये कुछ नहीं किया। इसलिये मैं अपील करूंगा कि फ्रीडम फ़ाइटर्स को कम से कम 300 रु० दिया जाय जिस से उन को मदद मिल जायगी और हम को इस बिल को अपने लिये पास नहीं करना चाहिये। मैं माननीय इन्द्रजीत गुप्ता जी के संशोधन का समर्थन करता हूं कि हमको अपने लिये सेक्रीफ़ाइज़ करना चाहिये। बहुत से मेम्बर ऐसे हैं जो फ्रीडम फ़ाइटर्स नहीं हैं, केवल एम०पी० हो गये हैं इसलिये हम को फ्रीडम फ़ाइटर्स से कभी भी ज्यादा पेंशन नहीं लेनी चाहिये। मेरा पुनः निवेदन है कि फ्रीडम फ़ाइटर्स के लिये पेंशन कम से कम 300 रु० कर दें और अपने लिये नियम बना लें कि अगर हमारी इन्कम ज्यादा है तो हम 300 रु० से ज्यादा नहीं लेंगे।

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Speaker, Sir, I am sorry I have to rise to oppose only that part of legislation which relates to pension....

SHRI S. A. SHAMIM (Srinagar): You will not get it then.

SHRI P. G. MAVALANKAR: I know that this kind of a remark will be made. But we do not come here to find out whether by a particular legislation we, as individual members, get something or not get something. We legislate for a generality. I can say in advance that although the present piece of legislation will not entitle me to any pension should I find myself re-elected to this august House and, therefore, in future find myself entitled, then because I oppose this provision of pension today, it is absolutely right and legitimate to expect of me that I will not take such pension and I will not do so. Anyway, the question need not be viewed and discussed by any personal considerations.

Why I oppose, it is all the more because of the timing of this particular piece of legislation. For us, Members of Parliament, this action is very wrong and very unfortunate.

[Shri P. G. Mavalankar]

My friend, Shri Indrajit Gupta, said that people will not relish this, and public opinion will not be favourable. He is right.

SHRI S. A. SHAMIM: But Parliament is supreme.

SHRI P. G. MAVALANKAR: But even if people cannot relish it, they will not be able to say it. They are afraid now a days of even talking about these matters openly because of the general atmosphere of emergency. The Press is censored. So, the Press cannot comment even if they want to comment adversely on this. Therefore, I feel that we should not really seize this particular opportunity or occasion when everything is in a sort of tight situation, and when it is not open and free for the public to react and comment upon this kind of legislation.

I ask, further, one more question. Is it right, proper and just for us, as Members of Parliament; to go on passing something which concerns us and our interests and simultaneously disregarding the interests of so many of our fellow countrymen outside?

SHRI R. S. PANDEY (Rajnandgaon): A point of order, Sir. We are not discussing about present Members' pension. We are discussing about those who have ceased to be Members of Parliament, those ex-Members of Parliament.

MR. SPEAKER: It is a point of intervention.

SHRI P. G. MAVALANKAR: That is my first point. That is why I feel, this is not a very happy timing. Already—I am talking of times before the emergency but even more so times after emergency—already the status and strength of our parliamentary institutions have been weakened, and in the eyes of the people, by and large, we are not really, quite often, I find, respected as honourable members of a democratic institution. I ask in all sincerity whether by passing this kind of a legislation, will we not add to that kind of feeling? Are we to go down further in the eyes of the public? Will they not feel that when there is this emergency, Members of Parliament are doing this for themselves and their former colleagues while not doing this for other people? My friend Mr. R. S. Pandey objected by way of some point of order which, as you ruled, Sir, was no point of order at all. I invite his attention to one thing. When he was the Chairman, I was a Member of the Joint Committee on Salaries and Allowances. He will perhaps recall this. When the proposal for pension came, I was a member at that time and at that very initial stage itself I registered my strong protest and opposition to that proposal. Then Pandey ji told me, when the proposal comes in more concrete form you can then give your reasons why you oppose it. But soon thereafter I found one fine morning that I was no longer a member of that joint committee, and so that opportinity of registering my protest is available to me only on the floor of the House today. My friend Mr. Indrajit Gupta is perfectly right when he asks, how can you put former MPs. above freedom-fighters? I understand, moreover, that he has an amendment which says that if a former MP has got some income per year he should not get this kind of facilitiy of pension. That is a good proposal which Government should accept. If suh a person is having certain income, he should not be given this pension.

When Himachal Pradesh Assembly passed a legislation in 1973 to give pension to former MLAs., and when the Maharashtra Vidhan Sabha at about the same time was in the process of having this consideration and Mr. A. R. Antulay, the present Secretary of the Congress was in charge of this thing when the Vidhan Sabha was considering this matter, at that time in 1973, I invited the attention of the hon. Prime Minister when I wrote to her two letters on 15th February, 1973 and again on

24th February, 1973. I would only quote a few lines. I said:

'The Members of the Himachal Pradesh Vidhan Sabha have, I understand, passed recently a Bill entitling all past, present and future MLAs of that State to the benefit of receiving life pension. On the face of it, this is an extra-ordinary step. If true, it is wrong in ethics and improper in law. I cannot understand how elected members in their capacities as people's chosen representatives, go about providing for their future in such a manner. I am sure, you will share my disgust with such a piece of legislation which is both unusual and unfortunate.

Educated and enlightened public opinion in the country has naturally and rightly reacted sharply against such a provision of life pension for the retired or defeated legislators. I expect and trust that you will give the lead in the matter by publicly discouraging and denouncing such steps taken by our legislators.

I am sure you will personally look into this matter with a view to discouraging such legislation by the state Assemblies and even by Parliament.'

Sir, the hon. Prime Minister replied personally to these two letters on March 12, 1973 and this is what she wrote to me:

"I have your letters regarding pension for the Himachal Pradesh M.L.As. The point is well taken It is difficult to justify such a law at a time when there is need for utmost economy and austerity."

Therefore, I am asking as to what had happened between 1973 and 1976 which does now justify this kind of pension provision to Members of Parliament.

Then, my next point is this. My esteemed friend, Shri Raghu Ramaiah quoted a number of countries. And Shri Indrajit Gupta rightly said that most of them are the prosperous countries who can afford it. Apart from that, the Minister only quoted half the facts. When he quoted those countries where pension provisions are available, he should have also quoted further facts that there are two kinds of schemes obtaining—Members who are actually Members for the time being in the House—Upper or Lower—and they contribute voluntarily to a particular fund and then when they ceased to be Members, they then got a certain benefit. Alternately, there are schemes of outright pension. Further, the Minister did not tell the House that in most of the countries, the amount of pension was available to Members of Parliament who had put in at least two terms meaning thereby eight to ten years. And, what is more important is the agelimit which was ranging between fiftyfive and sixty, or onwards. So, one can understand if a person has put in at least two terms—8 or 10 years—as a Parliamentary representative. But, when he has reached the age of fiftyfive or sixty years, he cannot be an active worker and, in that case, a pension may be given. But what is the point in giving pension to those who have one term of five complete years? Is that person eligible for getting it? But, then, perhaps, had there not been this concession, and consideration, the present Lok Sabha may not have passed this! I do not know!

Anyway, my point is that it is not really fair to us when you say that other countries have it. Other countries have it on those lines which I just now indicated, and not generally for even a short-term—one term of four or five years or whatever the period or whatever be the constitutional requirement and whatever be the agelimit. Suppose in our Parliament, a Member becomes a Member at the age of twenty-five. And suppose he has a five years' term only. Then at the age of thirty, he starts drawing his pension! Is that the idea of a

[Shri P. G. Mavalankar]

pension? Is it right and proper? If you want to give pension, at least you do it in such a way that you say that he has served Parliament for a certain number of years—say two terms, minimum of ten years—to get the pension, or you say at the age of 55, whichever is earlier. Suppose he has put in one term but he has reached the age of 55 or sixty or whatever the age limit that is fixed. I can understand that at the old age, he cannot function effectively outside. My argument further is in opposition to another point. I want to say one thing. (*Interruptions*). A pension is to be given to an ex-M.P. But if he was a Member of the Fourth Lok Sabha between 1967 and 1971—he will not get it. Why do you deny this privilege of having the pension to him? Of course, I oppose the whole idea of pension in the way you are bringing in this Bill. So, I do not want to go into details at this stage. All I want to repeat is that this is not the time to bring this kind of legislation at this particular juncture and time when public criticisims are not available to us.

One more point and I have done. Shri Raghu Ramaiah mentioned about one aspect of the Bill. The present practice is that unless a newly elected Member takes the oath in the House, he cannot get any salary. Sometimes it does happen that he may have been elected, but the House may not meet for four or six weeks. Then, in that case, what has to be done? I suggest for the consideration of the House whether we cannot follow the practice in the House of Commons.

In the House of Commons, the practice is that when a Member is elected in a by-election, because this happens naturally only in a by-election, or at any time, when a new Member is elected, when the House is not in session, then according to their Practice, a Member who is immediately declared elected by the Returning Officer becomes entitled to receiving his salary from the day of the declaration of his election. (*Interruptions*). He is not given that salary until he has taken the oath on the floor of the House. In the House of Commons the practice thus is that the salary is not payable until he has taken the oath. But, it is due to him from the date of the election. Why do I say all this? It is because the Members who have been Members of the first and subsequent Lok Sabhas will recall that, consistently the Chair has ruled in this House that a Member of the Lok Sabha must take the oath on the Floor of the House and then only he gets the salary and other privileges and benefits. There have been certain forceful arguments behind this practice. So, if you want a member to start getting salary from the date he is elected, I would like to say that let him be paid from that date but the actual salary should become payable only after he takes oath on the Floor of the House.

श्री जाबूवन्त धोटे : (नागपुर) : अध्यक्ष महोदय, सदन के सामने संसदसदस्यों के वेतन भतै और पेंशन का जो विधेयक आया है उससे एक अजीब वातावरण इस सदन में और देश में फ़ैला हुआ है। इस मामले में पेटीशनर भी हम हैं और जज भी हम हैं। जिस समय देश के कई मामले हम को जज करने हैं; देश में कई ऐसी बातें हैं जिनको हमें देखना है उस समय हम अपने ही सामने एक पेटीशन दाखिल करते हैं और उस पर विचार करने के लिए जज बन कर बैठते है। आज हम एक पेटीशनर और जज—दोनों की भूमिका अदा कर रहे हैं। ऐसी अवस्था में हमारे ऊपर एक बहुत बड़ी जिम्मेदारी आती है। यह जो विधेयक इस सदन में लाया गया है; उसके पीछे की भावना मैं समझता हूं पवित्र हो सकती है लेकिन जिस समय स्वतन्त्रता संग्राम के सेनानियों को हम अभी तक पेंशन नहीं दे सके हैं, आज भी कई स्वतन्त्रता संग्राम के सेनानी हैं जिनको 6 महीने से कम की सजा हुई थी और अभी तक

उनको हमने पेंशन नहीं दी है ऐसी स्थिति में हम अपनी पेंशन की मांगें अपने सामने उपस्थित करते हैं और उस पर विचार करते हैं—इस बात पर हमें गम्भीरता से विचार करेंगे। इस देश की आजादी की लड़ाई में कई लोग अपने ढंग से लड़े कई लोग अखबारों के जरिए से लड़े नेताजी सुभाष चन्द्र बोस और उनकी आजाद हिन्द फ़ौज इस देश की आजादी के लिए इस देश में और इस देश के बाहर जाकर लड़ी। आजाद हिन्द फ़ौज की झांसी की रानी रेजिमेंट में पहली बार इस देश की महिलायें लड़ीं और बड़ी वीरता से लड़ी लेकिन आज हम झांसी की रानी रेजिमेंट को कोई पेंशन देने में असमर्थ हैं उनको पेंशन देनी है या नहीं—इस बात पर हमने गौर नहीं किया है। जो रेजिमेंट नेता जी के नेतृत्व में लड़ी उसको पेंशन देने का विचार हम करते तो मैं समझ सकता था लेकिन हम खुद पेंशनर्स बनकर और जज बन कर उस पर विचार कर रहे हैं। संसद में कई ऐसे सदस्य है जिन्होंने अपना जीवन राजनीति और समाज के लिए न्योछावर कर दिया जिन्होंने अपना सारा जीवन लोक सेवा के लिए लगा दिया। उन के लिये ऐसी पेंशन का प्रोवीजन करना जरूरी है।

जिन के पास कोई आर्थिक स्रोत नहीं है जिन का कोई कारोबार नहीं है कोई व्यवस्था नहीं है जिन के पास कोई जमीन नहीं है—ऐसे लोग भी इस सदन में काफ़ी संख्या में है—उन के लिये यह प्रावीजन ठीक है लेकिन आप को पता होगा हमारे सदन में ऐसे लोग भी बहुत बड़ी संख्या में हैं जिन के पास आय के साधन हैं जो इन्कम टैक्स देते हैं मैण्ड-आर्ड है जमींदार है बड़े बड़े उद्योग-पति हैं ऐसे भी लोग हैं जो इन्कम टैक्स की चोरी करते हैं नम्बर 2 का रजिस्टर भी रखते हैं राजे और महाराजे हैं ऐसे लोग इस सदन के दोनों तरफ़ हैं यदि हम लोगों को भी आप पेंशन देते हैं—तो यह कहां तक न्यायसंगत है मैं समझता हूं कि इस सवाल को इस पर गम्भीरता से विचार करना चाहिये।

संसद सदस्यों के वेतन या पेंशन के नाम से जो बिल यहां लाया गया है—मैं समझता हूं कि इस का ड्राफ्टिंग ठीक तरह से नहीं हुआ है। वास्तव में इस का ड्राफ्टिंग हमारी ब्यूरोक्रैटिक मशीनरी ने किया है—इसी लिये उन्होंने "पैंशन" शब्द का इस्तेमाल किया है। मैं समझता हूं पेंशन शब्द का इस्तेमाल हमारे सदन की गरिमा के अनुरूप नहीं है यह हमारी इज्जत को बढ़ाता नहीं है बल्कि घटाता है। मैं चाहता हूं कि इस शब्द को निकाल देना चाहिये और इस की जगह ऐसे शब्द का इस्तेमाल करना चाहिये जिससे हमारी इज्जत बढ़ सके। संसद सदस्यों को पेंशन देकर एक तरह से आप उन की बेइज्जती कर रहे है। आप "आनरेरियम" शब्द रख सकते हैं।

अध्यक्ष महोदय: सेवा वृत्ति कह सकते है।

श्री जाम्बुवन्त बोटे: सेवा-वृत्ति कह सकते हैं "मान-धन" कह सकते है "मानार्थ" कह सकते हैं।

अध्यक्ष महोदय: मेरा यही अनुरोध है कि एक तो इस का शीर्षक बदलना चाहिये दूसरे जो इन्कम टैक्स देते हैं जो जमींदार हैं बड़े बड़े उद्योगपति है—उन को इस से वंचित करना चाहिये उन को यह नहीं देना चाहिये। इसके सिलसिले में कुछ अमेण्डमेंन्टस भी हैं—मैं उस समय भी उन पर बोलूंगा।

अध्यक्ष महोदय: श्री रामावतार शास्त्री।

श्री रामावतार शास्त्री: अध्यक्ष महोदय:

SHRI PRIYA RANJAN DAS MUNSI (Calcutta-South): Freedom fighters' pension should not be below MPs.

MR. SPEAKER: Shri Raghu Ramaiah wanted to say something

SHRI K. RAGHU RAMAIAH: I just wanted to say that after the hon. Members's speech, I may be called for one minute and then after the lunch recess it can go on.

MR. SPEAKER: You can speak now for a minute.

SHRI K. RAGHU RAMAIAH: May I reply?

MR. SPEAKER: Not reply. You wanted to say something before lunch. The hon. Minister.

SHRI K. RAGHU RAMAIAH: Am I called upon to reply to the debate now?

MR. SPEAKER: No, no. There are two more Members. Do you want to say something now?

SHRI K. RAGHU RAMAIAH: You may call me after they have spoken.

MR. SPEAKER: I think it is about lunch time now. The hon. Member will continue after lunch.

13 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at three minutes past Fourteen of the Clock.

[MR. DEPUTY-SPEAKER *in the Chair*].

SALARIES AND ALLOWANCES OF MEMBERS OF PARLIAMENT (AMENDMENT) BILL—*contd.*

श्री रामावतार शास्त्री : (पटना) : उपाध्यक्ष जी, संसद् सदस्यों के वेतन और भत्ता सम्बन्धी संशोधन विधेयक पर मैंने जानकारी जानने के लिये एक संशोधन आपके सामने प्रस्तुत किया था। मैं प्रारम्भ में ही यह कह दूं कि मैं इस प्रस्ताव को प्रेस नहीं करना चाहता, लेकिन एक, दो बात जरूर कहना चाहूंगा। इस विधेयक को इस सदन में 31 तारीख को संसद् कार्य मंत्री ने पेश किया जिसका नाम सैलरीज और अलाउन्सेज आफ मेम्बर्स आफ पार्लियामेंट अमेंडमेंट बिल, 1978 है। इन्होंने इसकी घोषणा इस सदन में 27 तारीख को की थी और कहा था कि इस तरह का बिल सदन में पेश होगा, और यह भी कहा था कि एम०पीज० लोग पेंशन पायेंगे। तमाम देश के अखबारों में छपा कि एम०पीज० पेंशन बिल नेक्स्ट वीक, एम०पीज० पेंशन बिल शार्टली। तमाम अखबारों में इस प्रकार की बातें छपीं। मेरे पास दिल्ली में मेरे डेरे पर लोग आये, कल पटना में लोग मेरे पास आये और कहने लगे कि क्या एम०पी० लोग तनख्वाह भी लेंगे और पेंशन भी लेंगे। तो मैंने उन्हें बताया कि नहीं यह बिल ऐक्स एम०पीज० के लिये है। जो बात आप ने इस के उद्देश्य में बतायी है उसमें आप ने जरूर ऐसा कहा है इस बिल के स्टेटमेंट आफ आबजेक्ट्स एंड रीजन्ज में कहा गया है : "प्राविडन इज आल्सो बियंग मेड एनटाइटलिंग एक्स-मेम्बर्ज आफ पार्लियामेंट टु पेन्शन"। यह तो ठीक लिखा गया है, लेकिन संसद्-कार्य मंत्री को यह कहने का अधिकार नहीं था कि एम०पीज० को पेन्शन देने के सम्बन्ध में एक बिल लाया जा रहा है। उन्होंने ऐसा क्यों कहा ? मैंने उसी दिन स्पीकर को लिखा। स्पीकर ने कहा कि वह इसको ब्रीच आफ प्रिविलेज के अन्तर्गत स्वीकार नहीं करेंगे। लेकिन उन्होंने कहा कि मैं इस सवाल को उठा सकता हूं।

इस सम्बन्ध में आम लोगों में जो गलतफहमी फली है, मंत्री महोदय को उसका निराकरण करना चाहिए था। ऐसा न करके उन्होंने तमाम संसद्-सदस्यों की प्रतिष्ठा पर आंच लगाई है, जो न्यायोचित नहीं है।

स्टेटमेंट में बताया गया है कि संसद्-सदस्यों के वेतन और भत्तों सम्बन्धी संयुक्त समिति की सिफारिशों के मुताबिक में यह

विधेयक लाया गया है। मंत्री महोदय ने कहा है कि यह उस समिति की सर्व-सम्मत सिफारिश है। उनको बताना चाहिए कि उस समिति में कौन सदस्य थे और वे किस-किस दल से सम्बन्धित थे, ताकि इस सदन और आम जनता को यह मालूम हो जाये कि स्थिति क्या है। हो सकता है कि ऐसे भी सदस्य हों, जिन्होंने समिति में इसका समर्थन किया हो और यहां इसका विरोध कर रहे हों।

एक माननीय सदस्य : आप भी तो उसके मेम्बर थे।

श्री रामावतार शास्त्री : जब तक मैं उसका मेम्बर था, तब तक मैंने कभी इसका समर्थन नहीं किया।

उस समिति के पुराने अध्यक्ष, श्री राम सहाय पांडे, यहां मौजूद है। वह बोले नहीं हैं। इस लिए मंत्री महोदय मेहरबानी करके इस सदन और देश को बतायें कि उस समिति में कौन कौन सदस्य थे। इस विधेयक को एम० पीज० पेन्शन बिल कह कर मंत्री महोदय ने आम जनता में बहुत गलतफहमी पैदा कर दी है। वास्तव में एम० पीज० को पेन्शन नहीं मिल रही है, बल्कि भूतपूर्व ससद्-सदस्यों को मिल रही है।

जैसा कि मैंने प्रारम्भ में कहा है, अपने जिस संशोधन के जरिये मैंने इस विधेयक के बारे में लोकमत जानने की माग की है, मैं उसको प्रैस नहीं करता हूं।

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode): Mr Deputy-Speaker, I rise in this House not to oppose this Salaries and Allowances of Members of Parliament (Amendment) Bill. I honestly feel that while I do so, I am doing nothing uncharitable, and I also feel that I am not supporting a wrong cause or a wrong idea. As far as the timing of the Bill is concerned, it may be a wrong timing. The Bill might also have a lot of shortcomings. But I do feel that there is a general consensus in the House about the principle of giving pension to Members of Parliament. There is a slight misunderstanding and so people say that we are giving something to ourselves. This, I feel, is not a fact. We are approving of pension to those Members of Parliament who have already retired. Maybe we will get the benefit of it later but we are not doing anything for ourselves as we are sitting Members.

One thing is very clear. There are hundreds of retired M. Ps. in this country who are really in very difficult circumstances today. Most of them spent the best part of their lives in either the Lok Sabha or the Rajya Sabha or in both, and after retirement they are really today in difficult circumstances. I do not imagine all the Members who are well-to-do after retirement. Maybe there are some who have industries to command, and big business houses to manage. But generally it is not the case. Therefore, those who have retired from Parliament and are really in difficult circumstances must be given this pension. Therefore, I say that as far as the principle is concerned, there is a general consensus in this House, and this measure will be welcomed by thousands who have retired from Parliament.

We say so much about pension. What, after all, is the amount involved in it? I feel that not more than Rs. 1 crore is involved. There are very few Members who have retired and who are going to be benefited by this scheme. On the whole, I am told there will be 2,211 persons, retired M. Ps., who are going to be benefited by this scheme. I can give you the break-up. As far as the Lok Sabha is concerned, those who retired after one term number is 1,509; those who retired after two terms are 180; those who retired after more than two terms are 83; total: 1,772. As far as the Rajya Sabha is

[Shri Ebrahim Sulaiman Sait]

concerned, those who retired after one term are 297; those who retired after two terms the number is 116; those who retired after more than two terms are just 26; total; 439. so, there are not thousands. There are just 2,211 persons in a population of 60 crores, and as many of them are in difficult circumstances, it is just and fair that they must be given this pension.

It has been pointed out here that the freedom fighters are getting much less. Definitely what the freedom fighters are getting is less, they should be given much more. There cannot be any argument about it. The freedom fighters have really sacrificed much for the freedom of this country. We must have great respect for them, and definitely they deserve much more than what they are getting now. It has been pointed out by our learned friend Shri Indrajit Gupta that freedom fighters who have an income of Rs. 5,000 from other sources are not entitled to get anything. This is wrong. Those who have some income must also get this pension as far as the freedom fighters are concerned.

I have mentioned that there are shortcomings in the Bill. For example, it has been pointed out that Members of the Fourth Lok Sabha are not covered by the provisions of the Bill because they had not completed five years. For such a situation the Members of the Fourth Lok Sabha are not really responsible. It is not their fault that Parliament was dissolved before completing its full term of five years. Therefore, consideration should be given to those who were Members of the Fourth Lok Sabha, and they must also get the benefit of this pension scheme.

The most important thing is the railway pass. It is not being given to retired M.Ps. Once in a way the retired members would like to come to Delhi to participate in the Independence Day or Republic Day celebrations. At least a restricted railway pass should be given to them, allowing them to travel 20 to 25 thousand kilometres a year. This is very much essential. Such a thing should be done. I feel, this is very important.

Before I conclude, I want to say a word about Mr. R. S. Pandey. I feel, all Members should appreciate the great pains that Mr. Pandey has taken in getting this Pension Bill presented before the House. He has worked consistently for days together, for months together, sometimes day and night, as Mr. Indrajit Gupta has said. Therefore, he deserves all the credit and also gratitude.

AN HON. MEMBER: Pandit D. N. Tiwary mooted the idea.

SHRI EBRAHIM SULAIMAN SAIT: Yes. Both Pandit D. N. Tiwary and Mr. Pandey have worked very hard to bring this Bill before the House. We all appreciate the work done by both of them. I hope, the House will approve this measure and at the same time, the Minister will try to rectify the defects that are there in the Bill. About the railway pass, which is most essential I hope, the Minister will consider it favourably. It is so much essential for the retired Members of Parliament that it is a must and must be given under any circumstances.

SHRI PARIPOORNANAND PAINULI (Tehri-Garhwal): I am not going to make a speech. I want to ask a few questions.

I would like to know from the Minister of Parliament Affairs whether he is going to make a provision in this Bill about those Members of Parliament or ex-MPs who have opposed this Bill or who do not want to have pension. If they do not want to have any pension, let them do so.

Secondly, about the railway pass, I want to know whether he is going to consider that or not.

Thirdly, about the medical facilities, there are very few places where medical facilities are available. Is he going to provide medical facilities in the Government hospitals as in other cases?

Lastly, I want to know whether he is going to debar or not going to debar those ex-MPs who are income-tax payers from taking pension.

SHRI R. S. PANDEY *rose*—

MR. DEPUTY-SPEAKER: Mr. Pandey, you have got a full measure of praise from all the Members. Are you not satisfied with that?

SHRI R. S. PANDEY: Mr. Deputy-Speaker, Sir, as far as the credit is concerned, I am grateful to the hon. Members for that....

MR. DEPUTY-SPEAKER: No speech; only a question.

SHRI R. S. PANDEY: In regard to Members of Parliament who are going to get the pension, supposing they die, I want to know whether their widows are going to get it.

SHRI N. K. P. SALVE (Betul): What about income-tax on the pension? What about tram journeys for those Members of Parliamen who are going to get the pension? I want to know whether the pension is going to be taxed. Under the provisions of the Income-tax Act, the pension is deemed to be salary.

MR. DEPUTY-SPEAKER: It is only Rs. 500 a month. That comes to Rs. 6000 a year. It is far below the exemption limit of Rs. 8000.

SHRI N. K. P. SALVE: If it is received by those who are likely to pay income-tax, I want to know whether it will be free of tax or not.

What about train journeys? The Railway Minister is agreeable. I want to know, when he is making alterations with reference to the air travel rule, why does he not make a provision that the Members of Parliament who are willing to pay the difference between the First Class and the air travel are made entitled to travel by air?

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): Mr. Deputy-Speaker, Sir, I am grateful to all the Members of the House on either side who have spoken as well as those who have left themselves upspoken for the gracious support that they have given to this Bill directly or indirectly.

I would first deal with the points raised by the first speaker, Mr. Indrajit Gupta. I am glad, he has admitted—coming from him, it goes a long way—that Members of this Parliament are one of the least paid in the world. It is a fact. But, at the same, he said that probably this was not the right time to do it. In any case, I think, he said that we should not vote for ourselves things like this. May I ask, if we do not vote for ourselves, who will vote for us? This is a kind of modesty which we, Members of Parliament have—if I may be allowed the liberty of using a little varied expression, it is a kind of complex we, Members of Parliament have—that, whenever anything touches the pension or salary or allowance of Members of Parliament, some Members become very touchy and say, "No; you cannot do it; people will think otherwise". People want you to be well paid like anybody else; people want you to discharge your duties efficiently. That is the main thing. They want you to be paid reasonably. After all, you must not assume that only rich people become Members of Parliament. There are many Members who are very poor, and I think, Mr. Indrajit Gupta himself was kind

[Shri K. Raghu Ramaiah]

enough to say that there are many doctors who have lost their practice by coming here, there are many lawyers who have lost their practice by coming here, there are many politicians who have lost their professions by coming here. So, this is a whole-time work. One has to give up every other profession and come here and concentrate. That is what the people want. People, certainly, want you to live respectably, to live honestly, to live with integrity. How can a poor Member live respectably unless he is well paid? About the rich people, what you pay with the right hand is taken away by the left hand, by way of tax....

SHRI INDRAJIT GUPTA: The pension is for ex-MPs; it is not for ourselves.

SHRI K. RAGHU RAMAIAH: All ex-MPs do not become rich. There are many ex-MPs who are poor. There may be rich people, but the majority of them, as far as my knowledge goes, are poor people; they are not landlords or zamindars or, as somebody mentioned, income-tax payers; everybody does not pay income-tax.

Anyhow, I appreciate the spirit in which Mr. Indrajit Gupta has pleaded for the common man, and I am also pleading for the common man. That is why, this Bill has been brought forward.

One of the points Mr. Indrajit Gupta made was that, in the case of freedom-fighters, we are giving them only Rs. 200 per month whereas the ex-MPs will be getting Rs. 500 per month. Comparisons are always odious, and more so in this case. The House will recall that the freedom-fighter's pension, on his death, is payable to his wife, unmarried daughter and so on. But there is no such provision here. Therefore, you cannot compare these two. In the case of freedom-fighters, I am told, depending on the circumstances, some draw even Rs. 800 per month. Therefore, let us not compare these two; they are different. The analogy does not apply here.

Mr. Indrajit Gupta and his friends were asking: what about the Members of the 1967—71 Lok Sabha? My great sympathies are with them; we fully sympathise with them. There is a difficulty here. There must be a limit somewhere. Even in the case of freedom-fighters, the normal rule is that one should have been in prison for six months. Then, what happens to the person who was in the prison for three months only? A line must be drawn somewhere. Suppose—God save this country—in the year 2,000 A.D. Parliament is dissolved after two days, then what happens? If I say 'for a term' irrespective of the number of years, that means, for two days also, you will have to pay life-time pension. That will not happen in our life time because we are stable, we are elected by intelligent people and we continue for a long time. But it can happen theoretically. Therefore, a line must be drawn somewhere.

Mr. Indrajit Gupta brought the analogy of freedom-fighters and said that, in their case, there was the restriction about income from private sources to the extent of Rs. 5,000 or more per annum. That analogy should not be brought here. May I say that this is taxable? This also answers the point raised by Mr. Salve. I presume. This is taxable. Therefore, anybody who gets a higher income practically gets nothing or proportionately only a small amount because it goes by way of tax.

I do not want to comment on freedom fighter's pension. I am not dealing with that subject. But if you ask every Member to give a certificate, I would like to point out, incomes keep on changing, there is a rise, there is a fall; in one year it is Rs. 5,000, in the next year it may be Rs. 10,000 and in the next year year it may be zero and so on.

Now are we to go on changing the pension? There is no fixity about the income. What is more—what is the method of knowing the agricultural income? At least business people file income-tax returns but those who depend on agriculture do not file any return. Therefore, there is no method to assess their income....

SHRI INDRAJIT GUPTA: They will have to file an affidavit.

SHRI K. RAGHU RAMAIAH: You want us to file an affidavit in the case of election expenses. So, let us be honest about it. Let us know in advance what we get and what we do not get instead of depending on affidavit certificates and all that sort of things.

Shri Ramavatar Shastri was touchy about pension, about the nomenclature. I hope he would not be touchy when he eats it.

He says that last Friday I referred to Members' pension. Everybody knows that pension is not given to one who is a sitting member. That is ordinary commonsense. (*Interruptions*) Apart from that, please listen to what is in the uncorrected report, not the corrected report. Please have patience to read it if you have not already done. It says, 'I may add that I propose to introduce the Pension Bill.' I did not say Members' Pension Bill and it is commonsense.... (*Interruptions*) Even if I had said it, don't you call 'Government Servants' Pension Rules'? Do you say 'ex-Government Servants' Pension Rules'? It is always understood, my dear friend.... (*Interruptions*) Pension is understood to be a sum of money payable after a Government servant or a Member of Parliament or anybody receiving a Salary or remuneration ceases to be such and ceases to receive that salary or remuneration. It is basic commonsense....

SHRI VASANT SATHE (Akola): That is not very prominent there.

SHRI K. RAGHU RAMAIAH: Then, Sir, Mr. Mavalankar raised points of nicety, propriety, *vagaira, vagaira; vagaria.* I want to ask. When is the appropriate time? I want to know from Mr. Mavalankar. When is that auspicious hour when pension can be granted? I say any time the House decides, and the House is deciding now.... (*Interruptions*)

I have already answered the point Mr. Dhote raised about Zamindars, industrialists and so on. I do not think there is any Zamindar here. If there was a zamin, that has been taken away. Then, Sir, industrialists are liable to taxation. This will be subject to taxation. In case of big landlords, the land ceiling has come After all, should 95 per cent of the Members suffer because of the 5 per cent well-to-do people?

Now, a few points have been raised on this side. I have already answered many of Mr. Painuli's points. But if there are any points which remain unanswered.... (*Interruptions*) I will come to that. Before I deal with Mr. Painuli's nice point, let me dispose of one minor point raised by Mr. Salve. Mr. Salve said, 'Please allow First Class rail travel to be converted into air travel by payment of the difference.' May I bring it to the notice of this House and to the notice of my hon. friend that when such a clause was introduced in the Fourth Lok Sabha, if my memory is correct, Members said, 'No, no, no. Rich people will take advantage of it. Please delete that clause.' Therefore, I deleted it. Then, Sir, I want notice for such a change.... (*Interruptions*)

Regarding railway pass, somebody said that the Railway Minister is agreeable. Of course, the Railway Minister is a nice man. I do not know; to my memory, this matter has not been considered by Government as a whole, but anyhow, I am not saymg anything. All I say is, let us take what is in the Bill.

[Shri K. Raghu Ramaiah]

Sir, I have answered all the points.... (*Interruptions*)

SHRI N. K. P. SALVE: One of the wittiest speeches we have ever heard.

SHRI K. RAGHU RAMAIAH: Mr. Painuli is very anxious to know why I do not provide here that those who are opposed to it, will not get the pension. The point is this. The public already know that those who oppose and consume the pension are not very straight. That is all.

MR. DEPUTY-SPEAKER: If I heard Shri Ramavatar Shastri rightly, he said that he did not want to press his amendment.

SHRI RAMAVATAR SHASTRI: Yes I seek leave of the House to withdraw it.

MR. DEPUTY-SPEAKER: Is it the pleasure of the House to grant leave to Shri Ramavatar Shastri to withdraw his amendments?

SOME HON. MEMBERS: Yes

Amendment No. 24 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Salaries and Allowances of Members of Parliament Act, 1954, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: We go to clause-by-clause consideration. Clause 2 has no amendments. The question is:

"That Clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—(*Amendment of section 1*)

MR. DEPUTY-SPEAKER: On Clause 3, there is amendment No. 35 by Mr. Dhote.

SHRI JAMBUWANT DHOTE: I beg to move amendment No. 35, I beg to move:

Page 1, line 10,—

for "Salary, Allowances and Pension"

Substitute—

"Honorarium and Allowances" (35).

MR. DEPUTY-SPEAKER: I will put amendment No. 35 to vote.

Amendment No. 35 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 3 stand part of the Bill"

The motion was adopted

Clause 3 was added to the Bill.

Clause 4 — (*Amendment of section 2*)

Amendment made:

Page 1,—

for clause 4, *substitute*—

"Amendment of section 2.

4. In section 2 of the principal Act, for sub-clause (b) of clause (e), the following sub-clause shall be substituted, namely:—

'(b) in relation to a new member,—

(i) where such new member is a member of the Council of States elected in a bienniel election, or nominated, to that House, the period beginning with the date of publication of the notification in the official Gazette notifying his name under section 71 of the Representation of the People Act, 1951 (43 of 1951); or

(ii) where such new member is a member of the House of the People elected in a general election held for the purpose of constituting a new House of the People, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the said Act; or

(iii) where such new member is a member of either House of Parliament elected in a bye-election to that House or a member nominated to the House of the People, the period beginning with the date of his election referred to in section 67A of the said Act or, as the case may be, the date of his nomination,

and ending with, in each such case, the date on which his seat becomes vacant." (42)

(Shri K. Raghu Ramaiah)

MR. DEPUTY-SPEAKER: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted

Clause 4, as amended, was added to the Bill.

Clause 5.- -(*Amendment of section 5*)

MR. DEPUTY-SPEAKER: There are a number of amendments given notice of Shri S. N. Singh—not moving—Nos. 3 and 4; Shri Tuna Oraon—not moving—No. 5; Shri Ramakrishna Reddy, not moving.

I will come to Mr. Tiwary' amendment later as it is introduction of new clause. Now, Shri Ramavatar Shastri.

SHRI RAMAVATAR SHASTRI: I move amendment No. 12.

I beg to move:

Page 2, line 10,—

after "sessions" *insert*—

"and during the period of two sessions and after" (12)

उपाध्यक्ष जी, मेरा संशोधन बहुत ही मामूली है जिसे सरकार को मान लेना चाहिए। अभी व्यवस्था इस विधेयक में की जा रही है कि अगर हम हवाई जहाज पर जाने की पूरी सुविधा को इस सेशन में इस्तेमाल में नहीं लायें और एक या दो बच गये तो उसको हम नेक्स्ट सेशन में इस्तेमाल कर सकते हैं। यह व्यवस्था इसमें कर रहे हैं। मेरा कहना यह है कि कभी-कभी हम लोगों के सामने इस तरह का वक्त आ सकता है कि दो सेशन के बीच में या सेशन के तुरन्त बाद जाने और आने की जरूरत पड़े। तो अगर हमारा कोटा बाकी है तो आप हमको इजाजत दीजिये कि हम सेशन के बीच में भी उसका इस्तेमाल कर सकें। लेकिन साल की कैद आपकी रहे। मैं समझता हूं कि यह बहुत ही इन्नोसेंट संशोधन है इसे आपको मान लेना चाहिए। आप ने अभी कहा कि सदस्यों की सुविधा के लिये बहुत सी बातें करते है। तो इससे सदस्यों को सुविधा होगी अपना काम करने में। लेकिन उनकी सीमा जो है उससे ज्यादा न दीजिये। यही मेरा कहना है।

In between session I should avail that.

श्री वसंत साठे . अपोजीशन की एक आध अच्छी बात मान लेने में कोई हर्ज नहीं है।

It is a good thing if they can accept it.

SHRI K. RAGHU RAMAIAH: Sir, I have already explained in my opening speech the circumstances under which this concession of four air journeys during the session exceeding 75 days and two more journeys were allowed. The whole spirit of it was to enable the Members coming from distant places like the East of India

[Shri K. Raghu Ramaiah]

or the South of India or may be any part of India, who may be held up here for such a long time, to go to their constituency and come back. That is the only reason why this concession is given.

So, it would not be consistent with that thing if this is to be utilised between the sessions also. If you want such a facility, that is a different concession altogether. That is a matter which is not within the scope of this present Bill.

SHRI VASANT SATHE: There is not much of a principle involved. This is just to go to his constituency and to come to Delhi. This is also important. So, why don't you accept his amendment when no principle as such is involved?

SHRI K. RAGHU RAMAIAH: It is quite possible that a Member utilising all the passes in the inter-session period might be inconvenienced if this is allowed during the sessions. (*Interruptions*) So let us take what is given in the Bill, as I said.

MR. DEPUTY-SPEAKER: I shall now put the amendment moved by Shri Ramavatar Shastri to the vote of the House.

Amendment No. 12 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 5 stand part of the Bill".

The motion was adopted.

Clause 5 was added to the Bill.

New Clause 5A

MR. DEPUTY-SPEAKER: There are amendments by Shri D. N. Tiwary seeking to introduce a New Clause. Do you want to move that?

SHRI D. N. TIWARY (Gopalganj): Yes, Sir. I beg to move:

"Page 2,—

after line 13, *insert*—

'5A. In section 6B of the principal Act, for the words "the spouse" the words "any member of the family" shall be substituted." (40)

मेरा संशोधन बहुत सिम्पल है। इस क्लाज में मेम्बरों को यह राइट दिया गया है कि वे सेशन के दरमियान एक दफा अपने स्पाउज को ले आयें और ले जायें। लेकिन जिन सदस्यों के स्पाउज नहीं हैं, जैसे श्री इन्द्रजीत गुप्त, वे इस सुविधा से मेहरूम रहते हैं। इस सदन में पच्चीस तीस मेम्बर ऐसे हैं, जिनके स्पाउज नहीं हैं, और इस लिए व इस फ़सिलिटी से लाभ नही उठा सकते हैं। यह डिसक्रिमिनेशन होगा। इस लिए उनको यह राइट देना चाहिए कि वे अपने किसी फ़मिली मेम्बर को ला सकें और ले जा सकें। इसमें गवर्नमेंट का कोई अतिरिक्त खर्च नही होता है। मेरे संशोधन का लक्ष्य यह है कि तमाम मेम्बरों को यह फ़सिलिटी दी जाये और किसी को उससे वंचित न किया जाये।

SHRI K. RAGHU RAMAIAH: This is a suggestion which the hon. Member has made. It is not now a part of the Bill. It is a suggestion which you are making.

SHRI D. N. TIWARY: Kindly accept this amendment when it is in order.

SHRI K. RAGHU RAMAIAH: Sir, Government has considered many suggestions to the one made by the hon. Member just now. I would request the hon. Member to take what is given.

SHRI N. K. P. SALVE: You sympathise with Member like Shri Gupta who does not have a spouse!

SHRI K. RAGHU RAMAIAH: I do it on other grounds!

MR. DEPUTY-SPEAKER: I shall put his amendment to the vote.

SHRI D. N. TIWARY: If he is not accepting it, I shall withdraw it.

MR. DEPUTY-SPEAKER: Does the hon. Member have the pleasure of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes, Sir.

The amendment was by leave, withdrawn.

Clause 6.—(*Insertion of new section 6C.*)

MR. DEPUTY-SPEAKER: There are amendments by Shri E. R. Krishnan. He is not here. Shri Dhote, are you moving your amendments?

SHRI JAMBUWANT DHOTE: I beg to move:

"Page 2,—

for lines 16 to 28 *substitute*—

"6C. Every member of Parliament shall be entitled to travel by road, rail, steamer and air without any restrictions during his term and thereafter also". (36)

MR. DEPUTY-SPEAKER: I shall put his amendment to the vote. Or do you want to speak on this?

श्री जाबुवंत धोटे : अध्यक्ष महोदय, संसद् सदस्यों को पेंशन देने का प्राविजन इस विधेयक के द्वारा कर रहे हैं। उसी वक्त जो मेरी अमेंडमेंट है वह यह बताती है कि केवल पेंशन नहीं, बल्कि उनके आने-जाने का इंतजाम भी होना चाहिए। संसद् सदस्यों को जो भी रेल, सड़क या वायुयान मार्ग द्वारा आने-जाने की सुविधाएं आज दी हैं, जब वे एक्स-मेम्बर हो जाते हैं उस वक्त भी उनको वे सुविधाएं कायम रहनी चाहिएं और वह वैसी की वैसी सुविधाएं जो आज मेम्बर आफ पार्लियामेंट को हैं, उनके एक्स-मेम्बर हो जाने पर उनके लिये रहनी चाहिए। यह मेरी अमेंडमेंट है।

SHRI K. RAGHU RAMAIAH: I am not accepting the amendment.

MR. DEPUTY-SPEAKER: I will put the amendment to the vote of the House.

Amendment No. 36 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That Clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7—(*Insertion of new section 8A.*)

SHRI K. RAGHU RAMAIAH: I beg to move:

Page 2,—

for lines 34 to 42 *substitute*—

"to every person who has served for a period of five years, whether continuous or not,—

(i) as a member of the Council of States; or

(ii) as a member of the House of the People; or

(iii) partly as a member of the Council of States and partly as a member of the House of the People; or

(iv) as a member of the Provisional Parliament; or

(v) partly as a member of the Provisional Parliament and—" (1)

Page 2,—

After line 51 *insert*—

"*Explanation.*—For the purpose of clauses (iv) and (v) of sub-section (1) "Provisional Parliament" shall include the body which functioned as the Constituent

[Shri K. Raghu Ramaiah]

Assembly of the Dominion of India immediately before the commencement of the Constitution." (2)

SHRI BIBHUTI MISHRA (Motihari): I beg to move:

Page 2,—

after line 51 *insert*—

"(1A) Where a person is entitled to any pension under sub-section (1), he shall also be entitle to such medical facilities for himself/herself and his/her spouse and dependent children as may be prescribed by rules.

(1B) Where a person is entitled to any pension under sub-section (1), he shall also be entitled to one free first class and one free second class railway pass which shall entitled him to travel at any time by any railway in India" (10)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 3,—

after line 16, *insert*—

"(iv) has an annual income from other sources of rupees five thousand and above." (17)

Page 3, line 20,—

Add at the end—

"or as long as his annual income remains rupees five thousand and above" (18)

SHRI M. C. DAGA: I beg to move:

Page 3,—

After line 41, *insert*—

"8B. In case the person mentioned in sub-section (1) of section 8A dies after serving as a member for a period of one term or more and if he is survived by his wife, who has no means of livelihood, she shall get the pension till the survives." (19)

SHRI SHIVAJI RAO S. DESHMUKH (Parabhani): I beg to move:

Page 2,—

after line 51, *insert*—

"Provided further that in the case of a person who served Fourth Lok Sabha as a member since first sitting till the dissolution thereof it shall be deemed that such a person has served for full period of five years." (22)

SHRI DINESH CHANDRA GOSWAMI: (Gauhati): I beg to move:

Page 3, line 6,—

after "becomes" *insert*—

"a member of Council of Ministers in the Centre or in any State or Union territory or" (31)

SHRI S. M. BANERJEE: I beg to move:

Page 3,—

after line 16, *insert*—

"(iv) is already in receipt of income from other sources amounting to Rs 5000/- or more per annum." (32)

Page, 3, line 2.—

add at the end—

"or continues to receive an income of Rs. 5000/- or more per annum from other sources" (33)

SHRI JAMBUWANT DHOTE: I beg to move:

Pages 2 and 3,—

for lines 31 to 51 and 1 to 41 respectively *substitute*—

"8A (1) Every ex-member of Parliament shall receive for life an honorarium of Rs. 550 (five hundred and fifty rupees) irrespective of his term and in addition, he shall be entitled to the facility of unrestricted travel.

(2) the facilities mentioned in sub-section (1) shall be provided to such members of Parliament only, who while taking the oath make a declaration and take an oath that the honorarium shall henceforth be his only means of livelihood and that he shall forego all other financial resources:

Provided that the members of Parliament who do not take such an oath and make such a declaration shall not be entitled to this honorarium and their membership shall be terminated." (37)

SHRI K. RAGHU RAMAIAH: I beg to move:

Page 3,—

after line 41, *insert*, namely:—

"(4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Minister as defined in the Salaries and Allowances of Ministers Act, 1952 (58 of 1952), or an Officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act, 1953 (20 of 1953), (other than the Chairman of the Council of States), or both, by virtue of his membership in the House of the People or in the Council of States shall also be taken into account". (43)

SHRI S. M. BANERJEE: Mr. Deputy Speaker, Sir, my hon. friend, Shri Indrajit Gupta while speaking on this Bill mentioned about these amendments moved by us and explained as to why we want to restrict the pension to these who are getting less than Rs. 5,000. The amendment reads:

"Page 3,—

after line 16, *insert*—

"(iv) is already in receipt of income from other sources amounting to Rs. 5,000 or more per annum."

The second is:

"Page 3, line 30—*add* at the end—'or continues to receive an income of Rs. 5,000 or more per annum from other sources'"

Shri Raghu Ramaiah has made a wrong comparison, or he never wanted to make a comperison, between freedom fighters and ex-HPs. It is an admitted fact that most of the members of this House are freedom fighters.

AN HON. MEMBER: Not most.

SHRI S. M. BANERJEE: Many. Those who are not freedom fighters here are here only because of the sacrifices of the freedom fighters. We have conveniently forgotten that they were given only Rs. 200, and Rs. 100 by the State Governments which I think has now been raised to Rs. 200. I and my party cannot justify the proposition that MPs who have served for only one term should be given Rs. 300 or Rs. 350 whereas freedom fighters who have practically spent the major portion of their lives in jail should be given only Rs. 200.

MR. DEPUTY-SPEAKER: The Minister has replied to that. You are repeating.

SHRI S. M. BANERJEE: Freedom fighters are not allowed pension if they have an income of more than Rs. 5000 per annum.

There is another point I would like to bring to the notice of the House. When we pleaded that the DA of the government employees should be merged with pay for the purpose of pension, we were told that the time is not opportune. We were told by the Finance Secretary, Shri H. N. Ray and other all powerful Secretaries in the meeting of the JCM when we wanted a merger of DA at 272 points as per the recommendation of the Pay Commission, that the time is not ripe for this and we should use

[Shri S. M. Banerjee]

some other opportunity to raise such issues. When this point was raised, we knew that this merger was for pension only and this could not help the government employees immediately: this would be of help to them only when they retired after 55 or 58. But that was not considered.

I still request the hon. Minister to kindly realise the awkward situation which we are likely to face if this Bill is passed and pension is given:

SHRI VASANT SATHE: Once this Bill is passed, your case will be strengthened.

SHRI S. M. BANERJEE: I do not know if it will be pasesd. I do not know what will happen. A cardiac patient like me may not survive to get the pension.

This is a harmless amendment that those people who have an income of more than Rs. 5000, who are above the income-tax exemption level should not get pension at all. The hon. Minister must have thought over this. I would like to know whether the second reply will be favourable; he must have thought over it.

MR. DEPUTY-SPEAKER: You have made the point. Why repeat it?

SHRI S. M. BANERJEE: I am trying to convince him, not you.

MR. DEPUTY-SPEAKER: You have made your point very effectively.

SHRI S. M. BANERJEE: But are you convinced? If you are, kindly try to convince him so that he may give a convincing reply.

MR. DEPUTY-SPEAKER: To avoid confusion, I will go serially and ascertain from the members who have moved their amendments.

श्री विभूति मिश्र : (मोतिहारी) : उपाध्यक्ष महोदय, सबसे पहले तो मैं मंत्री जी को इस बिल के यहां लाने पर धन्यवाद देता हूं । इस बिल के यहां लाने से उनका नाम हमेशा इतिहास में रहेगा, क्योंकि उन्होंने वास्तव में एक बड़ा प्रशंसनीय काम किया है । जब तक पार्लियामेंट्री सिस्टम देश में कायम रहेगा, तब तक लोग उनको हमेशा याद करेंगे । प्रधान मंत्री जी को तो इसका श्रेय है ही, लेकिन मंत्री जी को भी इसका श्रेय है क्योंकि उन्होंने इस बिल को बनाया है । लेकिन मुझे ऐसा लगता है कि मंत्री जी ने हम लोगों की कुछ कठिनाइयों की तरफ ध्यान नहीं दिया है ।

मेरा अमेंडमेंट यही है कि जैसे सी० जी० एच० एस० की सुविधा देश के हर भाग में नहीं है, जहां तक मेरी जानकारी है, यह कलकत्ता, मद्रास, दिल्ली, बम्बई, कानपुर में है, शायद एक-दो जगह और हो, लेकिन हम लोग जो बिहार से आते हैं, जिनकी संख्या यहां पर सकेण्ड लार्जेस्ट है, बिहार में ऐसी सुविधा नहीं है । यहां तक कि पटना में भी यह सुविधा नहीं है । अब यदि बिहार का कोई एक्स० एम० पी० बीमार पड़े तो उसे कानपुर या दिल्ली जाना पड़ेगा, जहां रहने की जगह नहीं है . . . .

श्री रामावतार शास्त्री : पटना में ही गई है, सी० जी० एच० एस० का अस्पताल खुल रहा है ।

श्री विभूति मिश्र : जो लिस्ट हम लोगों को सप्लाई की गई है, उसमें पटना का नाम नहीं है । पिछले साल में बीमार पड़ा था — वहां खून या दूसरे पैथोलाजिकल जांच की कोई व्यवस्था नहीं थी, अगर किसी प्राइवेट से जांच कराई जाये तो 75—80 रुपया लगता है । इसलिये मेरा यही कहना है कि उनके लिये मैडिकल फैसिलिटीज होनी चाहिये । इसी से रेलवे-पास का मामला भी जुड़ा हुआ है । जहां मैडिकल फैसिलिटीज

नहीं है, अगर उनको दूसरी जगह जा कर इलाज कराना पड़, तो उनको रेलवे पास भी दिया जाय। मैं चाहता हूं कि मंत्री जी इस पर विचार करें और जो उचित समझें करें। अगर वह कहेंगे कि इसको विदड्रा करना है तो म विदड्रा कर लूंगा, लेकिन यह बहुत उचित संशोधन है, इस पर उनको अवश्य गौर करना चाहिये।

श्री रामावतार शास्त्री : उपाध्यक्ष महोदय, मेरा पहला संशोधन तो पांच हजार रुपये को सीमाबन्दी करने वाला है। जिनकी आमदनी 5 हजार रूपये से ज्यादा हो, उनको पेन्शन ना दी जाय। ऐसा क्यों ? अभी यहां पर स्वतन्त्रता सनानियों का जिक्र किया गया, मुझ भी स्वतन्त्रता सनानी होने का सौभाग्य प्राप्त है और किस मुश्किल से सरकार न उनको पेन्शन दी है—यह सदन इस बात को जानता है. ' . . .

श्री झारखण्डे राय : (घोसी) 25 साल के बाद ।

श्री रामावतार शास्त्री : इस सदन में तीन-चार सदस्य लगातार लड़ते रहे कि स्वतन्त्रता सनानियों को पेन्शन मिलनी चाहिये—अब जाकर सरकार ने इस बात को माना और इस समय 1 लाख 12 हजार के लगभग स्वतन्त्रता सेनानियो को पेंशन मिल रही है। लेकिन क्या मिल रहा है ? कुल 200 रुपये। कुछ एक्सपेशन्स जरूर है —बहुत से लोग हैं जिनको 300 रुपये, 400 रुपये या 500 रुपये माहवार मिल रहे हैं। आज दिक्कत यह है कि जो लोग स्वतन्त्रता सेनानी नहीं है, वे स्वतन्त्रता सेनानियों के दर्द को नहीं जानते। दोनों सदनों के 750 सदस्यो में से लगभग 150 सदस्य स्वतन्त्रता सेनानी हैं, जिनकी कुरबानियों की वजह से आज हम और आप यहां पर बैठे हुये हैं। इन लोगों को 25 वर्षों के बाद आप 200 रुपया देना स्वीकार किया है, लेकिन जब हम लोग रिटायर करेंगे तो हमको 300 रुपये से 500 रुपये माहवार पेन्शन मिलेगी—क्या यह अच्छा लगता है ?

श्री बसन्त साठे : इसमें आपकी गलती यह है कि आप मेम्बर पार्लियामेंट की तुलना उनसे कर रहे है। मेम्बर पार्लियामेंट को जो मिल रहा है वह उनके वेतन के अनुपात से मिल रहा है, जब कि उनको पहले से कोई वेतन नहीं मिलता था, उनकी मदद पहुचाने के लिये आपने उनके लिये 200 रुपया पेन्शन शुरू किया है।

श्री रामावतार शास्त्री : मैं तुलना कर रहा हूं, आप मत कीजियेगा। मैं अपने विचार रख रहा हूं।

MR. DEPUTY-SPEAKER: This point about freedom fighters has been made and the minister has replied to it. The same point should not be repeated.

श्री रामावतार शास्त्री : मेरा अमेंडमेंट तो वही है। अब तक मैंने खत्म कर दिया होता। इस लिये मैं कह रहा हूं कि स्वतन्त्रता सेनानियों के मन पर इसका अच्छा असर नहीं पड़ेगा।

MR. DEPUTY-SPEAKER: You are speaking on the amendment and making a full-filedged speech repeating the same points which have been replied to.

श्री रामावतार शास्त्री : आप टाइम बांध दें लेकिन मेरा बोलने का राइट तो है।

MR. DEPUTY-SPEAKER: The same point cannot be repeated.

श्री रामावतार शास्त्री: मैं खत्म कर रहा हूं। स्वतन्त्रता सेनानियों का सवाल बार बार यहां आया है, उनकी पेंशन बढ़ाने

[श्री रामावतार शास्त्री]

का सवाल आया है। आपने उसका विरोध किया है। आपने कहा कि हमारे देश की आर्थिक स्थिति अच्छी नहीं है। यही मैं अब भी कह रहा हूं कि आप ऐसे लोगों को पेंशन न दें जो बड़े बड़े घरों से आते हैं, जो बिजनेस्मैन हैं राजा महाराजा हैं, जो रानियां हैं और जिनकी करोड़ों की सम्पत्ति है। ऐसे लोगों को आप पेंशन क्यों दे रहे है ? इसको न दें और स्वतन्त्रता सेनानियों की पेंशन की राशि को आप बढ़ायें ।

श्री मूल चन्द डागा : (पाली) : मैंने जो अमेंडमेंट दिया है उसको मंत्री महोदय एक बार फिर मेहरबानी करके पढ़ लें। मैंने कहा है :

> In case the person mentioned in sub-section (1) of section 8A dies after serving as a member for a period of one term or more and if he is survived by his wife who has no beans of livelihood, she shall get the penson till she survives.

भारत में एक बार जो संसद् सदस्य बन जाता है उसका पूरा समय देश सेवा में चला जाता है। वह अपने घर की तरफ देख नहीं सकता है । उसके घर की हालत बिगड़ जाती है . . . .

श्री एस० एम० बनर्जी : अपने घर की तरफ नहीं देख सकता है तो क्या दूसरे घर की तरफ देखें ?

श्री मूल चन्द डागा : उसके घर की हालत बिगड़ जाती है : अपनी धर्म पत्नी के कारण ही कोई यहां आ सकता है और यहां आ कर बैठ सकता है। एक बार आदमी जब देश का बन जाता है तो वह अपने घर की हालत को सुधार नहीं सकता है । संसद् सदस्य जिसने अपनी सारी जिन्दगी देश सेवा में व्यतीत की होती है वह जब संसार से उठ जाता है देश सेवा करते करते और उसकी बीवी की हालत जो बहुत खराब हो जाती है उसकी तरफ भी ध्यान दिया जाना चाहिये . .

श्री बसन्त साठे : जिसका दो औरतें हो ?

श्री मूल चन्द डागा : उनको आधा आधा पैसा दे दिया जाये ।

SHRI SHIVAJI RAO S. DESHMUKH (Parbhai): While welcoming this measure, I am hoping against hope that it cannot be the intention of the government to deny this benefit to those members who have been elected for the full term by their electorate but who could not complete the prescribed five year term for no fault of theirs, because of the premature dissolution of the House. Under the circumstances, I beg to differ from the Minister of Parliamentary Affairs. I am not speaking of the feature. The Prime Minister of a future House may be in a position to dissolve the House within a few months of its election. But my amendment specifically relates to the members of the Fourth Lok Sabha, who were elected for a full term of five years, but who were denied of this privilege of serving as the members of this House for the full term for which they had been elected, because of the act of dissolution. Therefore, I hope the Minister will accept my amendment, which specifically refers to this.

15 hrs.

While on this point, let me make this point explicitly clear. The expression "one term" will not fulfil the purpose of the present Bill, because it would mean also a term which has been terminated earlier by dissolution. Even the expression "four years" may not fulfil the objective of the Bill, because a member who has been elected on a bye-election may still have to serve some more time to become eligible for pension. Since my amendment specifically refers to the membership of the Fourth Lok Sabha, it may be accepted.

SHRI DINESH CHANDRA GOSWAMI (Gauhati): Mr. Deputy-Speaker, my amendment deals with a defect in the drafting of the Bill which the Minister has brought forward. Under the provisions of the Salaries and Allowances of Members of Parliament Act, a Minister is not a Member.

MR DEPUTY-SPEAKER: He has brought forward an amendment.

SHRI DINESH CHANDRA GOSWAMI: He has clarified it in his amendment by saying that if a Member is a Minister for five years and then be retires, he will be entitled to pension. I am not quarrelling on that. I am quarrelling on a different proposition. If a member is entitled to pension, if he subsequently becomes a member of this House, he is entitled only to the pension, not to salary and pension. Suppose I retire today; I am entitled to pension. If I am re-elected, I will be entitled only to the difference between the pension and the salary. But if that person becomes a Minister, under the provisions of this Bill, he will be entitled to the salary of a Minister as well as pension. Because, under sub-clause (2) of clause 8A, where any person entitled to pension under sub-section (1) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union Territory, he is not entitled to the pension. Similarly, if he becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State or the Metropolitan Council of a Delhi, he is not entitled to pension. If he is employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, he will not be entitled to any pension, because he gets a remuneration. But the Minister gets a salary, and not a remuneration. Therefore, the four categories which have been exempted do not include a Minister. More particularly, there may be a person who has become a Minister who is not a Member of either House, because he can do so for six months. In that case, will he be entitled to both salary as a Minister as well as the pension? I am raising this point because the Minister gets his salary and not remuneration. Therefore, a Minister will be able to claim both the salary and pension. How are you going to protect it?

श्री जांबुवन्त धोटे : (नागपुर) : उपाध्यक्ष महोदय, मेरे संशोधन में कहा गया है :

> "8क (1) प्रत्येक भूतपूर्व संसद् सदस्य आजीवन 550/- रुपये (पांच सौ पचास रुपए) का मानार्थ प्राप्त करेगा चाहे उस का कार्यकाल कितना भी क्यों न रहा हो और इसके अतिरिक्त उसे निबंध यात्रा की सुविधा प्राप्त होगी।"

मेरा निवेदन यह है कि जिन लोगों ने अपना पूरा जीवन राजनीति और समाज-कार्य के लिए दिया है, उनके लिए पांच वर्ष के लिए 300 रुपये, और उसके बाद हर-एक वर्ष के लिए पचास-पचास रुपये, के हिसाब से पेन्शन कम है। इस लिए प्रत्येक संसद् सदस्य को, जिसका पूरा कार्य सत्ता का ही है,—550 रुपये मानार्थ—मैं "मानार्थ" कह रहा हूं, "पेन्शन" नहीं—हर महीने मिलना चाहिए। इसके अतिरिक्त संसद् सदस्य को सफ़र की जो सुविधायें दी जाती है, वे सब सुविधायें भूतपूर्व संसद् सदस्य के लिए भी ज्यों की त्यों जारी रहनी चाहिए।

मेरे संशोधन का दूसरा भाग इस प्रकार है :

> "(2) उपधारा (1) में उल्लिखित सुविधाएं उन संसद् सदस्यों को ही दी जायेंगी जो शपथ लेने के साथ यह शपथ भी लेते हैं और घोषणा करते हैं

[श्री जाबुवन्त धोटे]

कि इसके पश्चात् मानार्थ ही उनकी आजीविका का एकमात्र साधन होगा और वह सभी अन्य वित्तीय स्रोतों से वंचित होंगे।

परन्तु ऐसे संसद् सदस्य, जो ऐसी शपथ नहीं लेते हैं और ऐसी घोषणा नहीं करते हैं, यह मानार्थ प्राप्त नहीं करेंगे या उनकी सदस्यता समाप्त हो जायेगी।"

आज भी इस हाउस में कई ऐसे लोग हैं—वे विगत काल में भी थे—, जो इनकम टैक्स देते हैं, जो राजा-महाराजा, बड़े-बड़े जमींदार और उद्योगपति हैं। ऐसे लोगों को ये सुविधायें नहीं देनी चाहिए। अगर उन्हें ये सुविधायें देनी ही हैं, तो यह व्यवस्था करनी चाहिए कि हर एक सदस्य शपथ लेते समय यह घोषणा करे कि मैं अपना सारा कारोबार, उद्योग, लैंडिड प्रापर्टी को छोड़ देता हूं। श्री रघुरामैया ने कहा है कि जब कोई संसद्-सदस्य बन कर आता है, तो उनके कारोबार का नुकसान होता है, उसकी वकालत और उसकी मेडिकल प्रैक्टिस डूब जाती है, आदि। अगर यह बात सही है, तो जब कोई संसद्-सदस्य शपथ लेता है, तो साथ ही उसको यह घोषणा करने के लिए बाध्य करना चाहिए कि इसके बाद वह सारा कारोबार आदि छोड़ देगा, और केवल मानार्थ से ही अपनी जीविका चलायेगा।

हम यहां पर समाजवादी अर्थ-व्यवस्था स्थापित करने की बातें करते हैं। इस स्थिति में अगर क्लासलैस दृष्टिकोण अपनाने के बजाये क्लास आइडेंटिटी अपनाकर इस विधेयक के जरिये कोई प्राविजन किया जाता है, तो फिर इस सरकार को यह कहने का कोई अधिकार नहीं है कि वह एक समाजवादी सरकार है।

SHRI K. RAGHU RAMAIAH: I have checked up the point raised by Shri Goswami. His apprehension is that a Minister will draw both pension and salary. I would like to draw attention to the language at page 2, lines 1 to 15, of the Bill. It reads as follows:

"(2) Where any person entitled to pension under sub-section (1),—

*** ***

(iii) is employed on a salary under the Central Government or any State Government.... or becomes otherwise entitled to any remuneration from such Government...."

"Such Government" means Central or State Government. The Minister's salary is remuneration from the Government. Therefore, it is covered by that.

SHRI N. K. P. SALVE: Does the Minister receive remuneration?

SHRI K. RAGHU RAMAIAH: Salary and remuneration are all the same. Remuneration includes salary and salary includes remuneration. If there is any doubt, if there is any legal necessity to further clarify it, we shall examine it. I assure you that we will not allow the Minister to draw both salary and pension.

As regards the other point raised by Mr. Goswami that a Minister can be a Minister without becoming a Member, if he sees my amendment, we have said, "Whoever becomes a Minister by virtue of the membership of the House of the People". So, that is covered.

Regarding the point raised by Mr. Bibhuti Mishra, there is already a circular issued by the Ministry of Health. It reads:

"The undersigned is directed to say that medical facilities under the C.G.H.S. Scheme which are at present available to the Central Government servants residing in Delhi, New Delhi, Bombay, Allahabad, Meerut, Kanpur, Nagpur, Calcutta,

Madras, Bangalore and Hyderabad, in the areas covered by the C.G.H.S. Scheme, the Government have decided to extend the same facilities also to ex-Members of Parliament residing in any of the cities mentioned above."

Mr. Bibhuti Mishra has raised a much wider point that the medical facilities should be given in other places also wherever there are same facilities available. That can be done by an executive order. I shall convey the remark made by Mr. Bibhuti Mishra to the Health Minister.

Regarding the comparison made with the pension of freedom fighters, I think, I have sufficiently clarified it. As regards the point as to why there should not be a limit of Rs. 5000 income, I have already explained it.

The other concept raised by the hon. Member, Mr. Daga, is: Why not pay the pension to the widows of the ex-MPs also? This is a new concept: this is a family pension. Without casting any reflection on the Members of the Joint Committee on Salaries and Allowances of Members of Parliament, I would say, they have not made any such recommendation. In fact, I would like to pay a compliment here and now to Pandit D. N. Tiwary and his successor, Mr. R. S. Pandey, and other Members of the Joint Committee for the valuable contribution they have made and the efforts they have taken in drawing the attention of the Government to this pension scheme. I must admit that the Joint Committee on Salaries and Allowances of Members of Parliament has not made any recommendation about the family pension. This is a new concept. Therefore, there was no occasion for the Government to examine that. I think, I have covered all the points.

As regards the point raised by Mr. Shivaji Rao S. Deshmukh about the Fourth Lok Sabha Members, that we should look backward and not forward, I say, Parliament has to look both backward and forward.

MR. DEPUTY-SPEAKER: Now, I take these amendments serially. There are quite a number of them.

First, I would take amendment Nos. 1, 2 and 43 moved by Shri K. Raghu Ramaiah. I put them to vote. The question is:

Page 2,—

for lines 34 to 42 *substitute*—

"to every person who has served for a period of five years, whether continuous or not,—

(i) as a member of the Council of States; or

(ii) as a member of the House of the People; or

(iii) partly as a member of the Council of States and partly as a Member of the House of the People; or

(iv) as a member of the Provisional Parliament; or

(v) partly as a member of the Provisional Parliament and—" (1)

Page 2,—

after line 51, *insert*—

"*Explanation*—For the purposes of clauses (iv) and (v) of sub-section (1) "Provisional Parliament" shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the commencement of the Constitution." (2)

Page 3,—

after line 41, *insert*, namely:—

"(4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Minister as defined in the Salaries and Allowances of Ministers Act, 1952 (58 of 1952), or an Officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act,

[Mr. Deputy-Speaker]

1953 (20 of 1953), (other than the Chairman of the Council of States), or both, by virtue of his membership in the House of the People or in the Council of States shall also be taken into account." (43)

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, I take amendment No. 10 moved by Shri Bibhuti Mishra.

SHRI BIBHUTI MISHRA: I want to withdraw my amendment.

MR. DEPUTY-SPEAKER: Does he have the pleasure of the House to withdraw his amendment?

SOME HON. MEMBERS: Yes.

Amendment No. 10 was, by leave, withdrawn

MR. DEPUTY-SPEAKER: There are amendment Nos 17 and 18 moved by Shri Ramavtar Shastri. I put them to the vote of the House

Amendments Nos. 17 and 18 were put and negatived.

MR. DEPUTY-SPEAKER: Mr. Daga

SHRI M C. DAGA: I want to withdraw my amendment

Amendment No. 19 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Deshmukh

SHRI SHIVAJI RAO S. DESHMUKH: I want to withdraw my amendment.

Amendment No. 22 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. D. C. Goswami.

SHRI DINESH CHANDRA GOSWAMI: In view of the Minister's reply, I want to withdrew my amendment.

Amendment No. 31 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Amendments Nos. 32 and 33, moved by Shri Indrajit Gupta...

SHRI INDRAJIT GUPTA: I press them.

MR. DEPUTY-SPEAKER: I now put Amendment No. 32 to the vote of the House. The question is:

"Page 3,—

after line 16, *insert*—

"(iv) is already in receipt of income from other sources amounting to Rs. 5,000/- or more per annum," (32)

The Lok Sabha divided:

Division No. 6]

AYES

[15.22 hrs.

Banerjee, Shri S. M.
Bhaura, Shri B. S.
Chandrappan, Shri C. K.
Gupta, Shri Indrajit
Jha, Shri Bhogendra
Jharkhande Rai, Shri
Krishnan, Shrimati Parvathi
'Madhukar', Shri K. M.
Manjhi, Shri Bhola
Mayathevar, Shri K.
Muruganantham, Shri S. A.
Pandey, Shri Sarjoo
Reddy, Shri Y. Eswara
Saksena, Prof. S. L.
Sambhali, Shri Ishaque
Sen, Dr. Ranen
Shastri, Shri Ramavatar

NOES

Aga, Shri Syed Ahmed
Ahirwar, Shri Nathu Ram
Ambesh, Shri
Arvind Netam, Shri
Austin, Dr. Henry
Azad, Shri Bhagwat Jha
Aziz Imam, Shri
Babunath Singh, Shri
Banera, Shri Hamendra Singh
Barman, Shri R. N.
Barua, Shri Bedabrata
Basappa, Shri K.
Basumatari, Shri D.
Bhattacharyyia, Shri Chapalendu
Bheeshmadev, Shri M.
Bist, Shri Narendra Singh
Brahmanandji, Shri Swami
Chakleshwar Singh, Shri
Chaturvedi, Shri Rohan Lal
Chaudhari, Shri Amarsinh
Chaudhary, Shri Nitiraj Singh
Chhotey Lal, Shri
Daga, Shri M. C.
Darbara Singh, Shri
Das, Shri Anadi Charan
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Deo, Shri S. N. Singh
Desai, Shri D. D.
Deshmukh, Shri K. G.
Deshmukh, Shri Shivaji Rao S.
Dhamankar, Shri
Dharamgaj Singh, Shri
Dixit, Shri G. C.
Dixit, Shri Jagdish Chandra
Doda, Shri Hiralal
Dube, Shri J. P.
Dumada, Shri L. K.
Dwivedi, Shri Nageshwar
Ganga Devi, Shrimati
Gangadeb, Shri P.
Gavit, Shri T. H.
Giri, Shri S. B.
Godfrey, Shrimati M.
Gomango, Shri Giridhar
Gopal, Shri K.
Goswami, Shri Dinesh Chandra
Gowda, Shri Pampan
Hansda, Shri Subodh
Hanumanthaiya, Shri K.
Hari Singh, Shri
Jadeja, Shri D. P.
Jamilurrahman, Shri Md.
Jeyalakshmi, Shrimati V.
Joshi, Shri Popatlal M.
Kadam, Shri J. G.
Kader, Shri S. A.
Kailas, Dr.
Kakodkar, Shri Purushottam
Kamble, Shri T. D.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Kinder Lal, Shri
Kisku, Shri A. K.
Kolóki, Shri Liladhar
Krishnan, Shri G. Y.
Kureel, Shri B. N.
Lakkappa, Shri K.
Lasker, Shri Nihar
Lutfal Haque, Shri
Mahajan, Shri Y. S.
Maharaj Singh, Shri
Majhi, Shri Gajadhar
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Maurya, Shri B. P.
Mirdha, Shri Nathu Ram
Mishra, Shri Bibhuti
Mishra, Shri G. S.
Mishra, Shri Jagannath
Modi, Shri Shrikrishan
Mohammad Tahir, Shri
Mohammad Yusuf, Shri

Mohapatra, Shri Shyami Sunder
Mohsin, Shri F. H.
Muhammed Sheriff, Shri
Murmu, Shri Yogesh Chandra
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Tuna
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandit, Shri S. T.
Panigrahi, Shri Chintamani
Paokai Haokip, Shri
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patil, Shri Anantrao
Patil, Shri S. B.
Patil, Shri T. A.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah
Pradhani, Shri K.
Purty, Shri M. S.
Raghu Ramaiah, Shri K.
Rai, Shri S. K.
Rai, Shrimati Sahodrabai
Raj Bahadur, Shri
Raju, Shri P. V. G.
Ram, Shri Tulmohan
Ram Dayal, Shri
Ram Surat Prasad, Shri
Ramji Ram, Shri
Ramshekhar Prasad Singh, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri Jagannath
Rao, Shri Nageswara
Rao, Shri P. Ankineedu Prasada
Rao, Shri Rajagopala
Rathia, Shri Umed Singh
Ravi, Shri Vayalar
Reddy, Shri K. Kodanda Rami
Reddy, Shri K. Ramakrishna
Reddy, Shri M. Rama Gopal
Reddy, Shri P. Narasimha
Reddy, Shri P. V.
Reddy, Shri Sitram
Richhariya, Dr. Govind Das
Roy, Shri Bishwanath
Saini, Shri Mulki Raj
Salve, Shri N. K. P.
Sangliana, Shri
Sankata Prasad, Dr.
Sathe, Shri Vasant
Satpathy, Shri Devendra
Savitri Shyam, Shrimati
Sethi, Shri Arjun
Shailani, Shri Chandra
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri A. P.
Sharma, Shri R. N.
Shastri, Shri Raja Ram
Shastri, Shri Sheopujan
Shetty, Shri K. K.
Shivappa, Shri N.
Shivnath Singh, Shri
Shukla, Shri B. R.
Siddayya, Shri S. M.
Sinha, Shri Nawal Kishore
Sohan Lal, Shri T.
Sokni, Sardar Swaran Singh
Surendra Pal Singh, Shri
Swaminathan, Shri R. V.
Swamy, Shri Sidrameshwar
Tarodekar, Shri V. B.
Tiwari, Shri Chandra Bhal M.
Tiwary, Shri D. N.
Tombi Singh, Shri N.
Tula Ram, Shri
Tulsiram, Shri V.
Uikey, Shri M. G.
Unnikrishnan, Shri K. P.
Verma, Shri Sukhdeo Prasad
Yadav, Shri Karan Singh
Yadav, Shri N. P.

MR. DEPUTY-SPEAKER: The result* of the division is: Ayes 17; Noes 171.

The motion was negatived.

MR. DEPUTY-SPEAKER: Now, I will put amendments 33 and 37 to vote.

Amendments Nos. 35 and 37 were put and negatived.

MR. DEPUTY SPEAKER: Now, the question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI K. RAGHU RAMAIAH: Sir, I beg to move:

"That the Bill, as amended be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended be passed"

The motion was adopted.

15.23 hrs

STATUTORY RESOLUTION *RE.* CONTINUANCE OF PROCLAMATION IN RELATION TO THE STATE OF GUJARAT—*Contd.*

MR DEPUTY-SPEAKER: Now, we take up the further consideration of the Statutory Resolution in respect of the State of Gujarat.

Shri Natwarlal Patel to continue his speech... (*Interruptions*)

Hon. Members who want to go out, may please do so quietly. Please go with a whimper and not with a bang.

SHRI NATWARLAL PATEL (Mehsana): Sir, I rise to support the resolution moved by the Home Minister for the extension of President's rule in Gujarat.

Sir, before President's rule was imposed in Gujarat, the Janata Front Ministry was ruling. Yesterday I had given some reference to what the Janata Front Ministry did. I do not know why my friend, Shri Mavalankar feels hurt. According to me, Mr. Mavalankar claims to be an Independent Member of this hon. House. I pity for him. I know very well that he was elected to this House with the support of the Opposition Parties of the Gujarat State. That is why he feels his obligation by showing some sympathy here like this.

SHRI P. G. MAVALANKAR (Ahmedabad): On a point of order, Sir.

SHRI NATWARLAL PATEL: I am not yielding.

MR. DEPUTY-SPEAKER: He is on a point of order.

SHRI P. G MAVALANKAR: My point of order is this. I am going to speak later on, with your permission, in this debate. Therefore, I do not want to reply to any hon. Member about any points. My point of order is this: can any hon Member of the House refer to any other hon. Member's election, irrespective of facts? Has he got the liberty to speak irrespective of facts? Because he is bringing in individual considerations, my point of order is .

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*Shri Appalanaidu also recorded his vote for NOES.

SHRI VASANT SATHE (Akola): It is a point of propriety.

SHRI P. G. MAVALANKAR: All right, it is a point of propriety. Is it right for him to refer like this?

MR. DEPUTY-SPEAKER: It is not a point of order. The order is all right. As long as the member does not make defamatory statement and you are here to reply, order is there.

SHRI NATWARLAL PATEL: Yesterday the CPI(M) Member while speaking here was shedding crocodile tears for the people of Gujarat by saying that the President's rule is not desirable and that popular government should be given to the people of Gujarat. I have been trying to understand the ideologies of so many political parties in the country and it is a great misfortune on my part that uptill now I have not understood the ideology of CPI(M). One of my friends told me this that this is a party with no ideology at all. They have got only one programme and it is this. Where there is fire, they rush and add fuel to the fire. So far as CPI(M) is concerned, for the last few months they are concentrating over the State of Gujarat. If hon. Members of the House might recall, during the movement of nav nirman samithi some friends from the CPI(M) rushed to Gujarat State. What they did at that time is very well-known to the Members. This party is completely ousted so far as politics is concerned from West Bengal. Their business of politics is completely stopped in West Bengal. So they want to find some room in some other States. Gujarat is certainly not a place for them to start their business. As a matter of fact, they can be tolerated in some other States, but so far as Gujarat is concerned, the Gujarat people will not tolerate them. This I say to them with due respect.

श्री जयवंत मोहे :(नागपुर) : मेरा व्यवस्था का प्रश्न है। सी पी एम के बारे में माननीय सदस्य कुछ बोल रहे हैं, कुछ उसके ऊपर आरोप लगा रहे हैं। उसको बदनाम करने की कोशिश कर रहे हैं। आप देख ही रहे हैं कि सी पी एम के लोग आज सदन में हाजिर नहीं हैं। जो सदस्य आज हाजिर नहीं है, उनकी पार्टी के बारे में या उनके बारे में ऐसा क्या बोला जा सकता है?

MR. DEPUTY-SPEAKER: In the first place it is a political charge; there is no defamation; nothing prevents the Member to be here and come and defend himself. Please continue.

SHRI NATWARLAL PATEL: During the Janata Front Government what happened? We know that very well. Law and order was paralysed. That was completely broken. There was no law and order. Not only that. The Government had a short life. During that short life, it was not working for the welfare of the people, but it was working at the behest of Jan Sangh people and such other fascist elements in the State. I know this very well. They did not bother to implement the 20-point programme. They did not bother to implement the development works of the State. As a matter of fact, that Government miserably failed because of its own weight.

15.29 hrs

[SHRI VASANT SATHE *in the Chair*]

After that, there was no other alternative except President's rule. So, President's rule was imposed in the State of Gujarat.

Sir, it is well known under what circumstances President's rule was imposed in the State of Gujarat; at that time what was the situation there? After this rule was imposed in the State of Gujarat, everything

is working absolutely satisfactorily. The Government have tried its level best to implement the 20-Point Economic Programme and the Government have kept up the priceline of essential commodities in the State and thereby the Government have rendered valuable services to the weaker sections of the society in Gujarat State especially.

So far as President's Rule is concerned, some friends here may ask: why we should extend it. I anticipate at least that Mr. Mavalankar, in his speech, would ask about it. We also want a popular Government. I want to make it clear here that we are not opposed to a popular Government. About this the people of my State are very clear in their minds. My friend Mr. Mavalankar may say then why not there a Government be formed under Art. 301 or 304. So far as my leaders are concerned, they are not power oriented people; they are always looking after the welfare of the people of my State. We would like to form a Government in the State of Gujarat. We certainly want to have a stable and clean government for the people of this State. So far as this is concerned, Shri Mavalankar and others are opposed to President's Rule They should not also feel that we are opposed to a popular Government there. People of Gujarat want to have a popular government there; they want a stable and elean government there The moment my party knows that the situation there is all right. .(*Interruptions*) Sir, I am not yielding to my friend. Let him take his seat.

श्री जादवजी चोटे : 1971 का चुनाव संसद का माननीय सदस्य ने किस दल से लड़ा ?

SHRI P. G. MAVALANKAR: Well said.

MR CHAIRMAN: Address the Chair. Don't address amongst yourselves.

SHRI NATWARLAL PATEL: Sir, I am very clear about one thing. I would like to assure the hon. Members here that as soon as the proper time comes, my party will come forward to form a stable and clean Government for the people of Gujarat.

At present, President's Rule is being extended Before I conclude, with your permission, Sir, I would like to utter only two sentences. I congratulate both Shri Brahmananda Reddy, our Home Minister and Shri Om Mehta, Minister of State for Home Affairs who made frequent visits to my State. Anyway, by their frequent visits, Gujarat Administration is going on well there. I congratulate him on my behalf and on behalf of the people of Gujarat State.

With these words, I welcome the resolution for extension of President's Rule in the State of Gujarat.

SHRI BHOGENDRA JHA: (Jainagar): Sir, this extension of President's Rule for another six months at a time when people were expecting some sort of democratic rule is not good. This has not happened. I do not say that the Congress Party has not got the majority. It has secured the majority by engineering defection on a large scale. That can form a stable government and effectively run it.

I have some idea of it. I know that once the Government has thought that there is slight relaxation of the emergency, again defections will restart.

Here the defection, as engineered in the State of Gujarat, is engineered in a planned manner and it is on a very wide scale through their own Members. Not only it is so in Gujarat but it is so throughout the country. The people had been compelled to forget that defection was an offence The Joint Committee of both Houses of Parliament is sitting to consider the official Bill to put a ban

(Shri Bhagendra Jha)

on defections. People have forgotten now that there are defections everywhere. They have also begun in Kashmir. Not only the local leaders but also the members of the ruling party here at the Centre has begun raising a hue and cry. How do they feel that people will welcome them when they are accepting Jan Sanghis, RSS men, Congo men and Swatantrites who have been demanding the dissolution of parliamentary system, end of democratic structure and the head of the Prime Minister itself. Sir, I do not think the ruling party should expect that the people of India should be so ignorant as not to make a comparison of it when these people are being welcomed and functions are being held in their honour.

Sir, I dare say that there is no rule of the Congress party in Gujarat. In practice there is the rule of the old combination of Congo and Jan Sangha. The AICC decided and the Prime Minister declared that popular participation in the implementation of the 20-point programme is necessary. The AICC has issued circulars to this effect. But, Sir, in many States such committees have been formed but not in Gujarat. The Congress is not allowed to be a party in the implementation committee either at the district or State level. There are implementation committees consisting of those persons who became the zila panchayat heads or district heads during the previous rule. So, I do not know how they are cheating themselves and their own party and why they are trying to mislead the people in the country by making them believe as if there is rule of the President or for that matter of the Central Government through the administration over there in Gujarat.

Sir, this problem was raised by me in the meeting of the consultative committee for Gujarat and after repeated queries made by me in that meeting the Minister of State for Home Affairs, Shri Om Mehta, said that the popular participation of like-minded political parties will be applied in Gujarat also as is elsewhere in the country. I have got the minutes of that meeting with me but there is no mention about this.

Thereafter when the Secretary of the Gujarat State branch of the Communist Party wrote to the Governor a reply has been received. This reply has been given by Shri Dave on behalf of the Governor. It is dated 17th June, that is, more than one month after the meeting of the consultative committee. I quote from the reply:

> "I am directed to refer to your representation to the Governor... the appointments of the members on the committees constituted by the Government are not made on the basis of party affiliation."

This is a formal letter. Shri Om Mehta had said that this will apply in Gujarat and here in this letter it is being openly violated and defied. No party considerations will apply there So the State Congress leadership is not associated as Congress leaders and the whole system of the past is continuing. What is the result? The Prime Minister herself had openly stated that the whole nation was shocked when some people demanded minimum wages for which they were tortured, Harijans or other poor people. In the case of Gujarat, the Prime Minister herself bemoans the situation—I call it bemoaning. No steps have been taken to correct the situation. These are the realities in the State. In the Minutes of the meeting of 15th May of the Consultative Committee, it is stated:

> "Shri Bhogendra Jha mentioned that he had covered 30 miles on foot and found that not a single circular had been sent to Panchayats or Sarpanch how to implement the provisions about minimum wages or bonded labour etc.

The old setup was continuing. He specifically referred to the problem of bonded labour which, he alleged, still existed in Gujarat. According to him, in Mehsana district the bonded labour continues".

Here I would again mention that it is still continuing. These bonded labourers are called 'sathis'. I can give some instances for the information of the Minister. Even now he can see if he can get anything done. The panchayat people there are abusing Shrimati Indira Gandhi. They say: 'How can this law apply? We are here to implement it'. The village heads respected me. They cared for me because I was an MP. But they asked me: 'Will your father allow it' 'Will your father permit bonded labour being freed?' I am talking of Mehsana district, Surat district, Bijapur taluk. I had visited more than half a dozen villages; village Rampur, village Tintadan, village Harnahoda, village Techava, village Deria, village Kot and many other villages. Here the system is this. Bonded labourers cannot give one single naya paisa out of their labour's reward to their wives. I have some names also here.

One Khemabhai, village Tintadan, had been working as a bonded labourer for 7 years. Even the annual charge was fixed at Rs. 200. The money he had taken for a marriage would be set off against this. It was not paid for 7 years. He left. Then the camel cart of a third person who stood surety for him was forfeited. No officer intervened. Only after my writing did they intervene.

Similarly there is the case of Shri Keshubhai Thakore of village Harnahoda. He was also a bonded labourer of that category. Then Vechatji Bhikaji Thakore, again of Harnahoda, then Rupsinhji Parmar of village Techava, then Thakarda Hiraji Mohanji and 19 others in village Deria. I have given all the names.

There was a meeting. The village head was also there. The panchayat heads were also there. Then there is the case of Savanji Ranaji Chauhan of Village Rampur. There are scores of other instances. These instances of bonded labour are still continuing. If Government deny this, I can accompany them and we can verify whether there is bonded labour there or not. I am prepared to go with them.

Similar is the condition of sharecroppers. They are called 'Bhagiyas'. For a year's bonded labour, they are given 1/6th of the produce. This is a total violation of the Central Government's rules, directives and tenancy laws in the whole country. They have to put in 1/6th of the labour for cultivation. After working for a whole year, they do not get a single naya paisa in any form, direct or indirect This system is prevailing in various forms in village after village. This was a revelation to us, how it is happening in Gujarat. But that very machinery is now asked to implement the twenty-point programme. That very old machinery, the panchayats and other institutions, to which elections were held under the previous government, which was against the 20 point programme and the policies of the Prime Minister, they are there. There can be no denying the fact that that government was against the Prime Minister, the Jan Sanghis, the Congress(O) people, and such people were there; and that is why they had to go. That same old setup is continuing If the central government feel otherwise they are misleading themselves and the country. I know what is happening there; I saw what was happening in Surat, in Adivasi areas and other areas also. I have got full facts with me. What is to be done? Again organise defections? Congress leaders go. They are bargaining and only after the bargain is over, they are defecting. RSS people are garlanding leaders; I can give photos published in Gujarat papers. The RSS people are bargaining that they should

[Shri Bhogendra Jha]

be allowed to come in.... (Interruptions) I think Congressmen in the lower rungs, at least a part of those Congressmen who had suffered under the erstwhile government, I do not know how they are tolerating this; they must be groaning. If you have more defections, do you think that you can make the government more stable? That is impossible. The same type of usurers and money lenders are there. In the villages the rate of interest goes up from 36 per cent to 300 per cent per year. The law in the country says that the maximum rate should be 12 per cent per annum. But the situation in Gujarat is like that, in Surat, in Mehsana even in Ahmedabad proper, not to speak of surrounding villages. The 20 point programme is not implemented even though they claim that it is implemented. Through defections you cannot have a stable government. Then what are you waiting for? Why not dissolve the assembly and have fresh elections so that people can freely decide? The elections which were held were not fair elections; the Prime Minister was assaulted and the agriculture minister Shri Jagjivan Ram was assaulted. In that condition the power of the kulaks, usurers and money lenders was brought to bear on the elections. Through defections the party position may change but the social setup and the economic interests and the method and manner of exploitation cannot change. You are trying to build up your party in such a situation in this way and you are simply, step by step, slowly but steadily, ensuring that people's faith in you disappears. People hoped for a better future. Poor people who have stood by you and by the 20 point programme and by the policies of the Prime Minister are being cheated again. Those who were against the policies of the Prime Minister are there. They say openly, in my presence: you are an hon. Member of Parliament; you may come and go; the Prime Minister is in Delhi and she can broadcast anything she likes but it is we who are here that manage the things and it is we who matter in this place; people here cannot go against me. In the village meetings, in the presence of 200 or 300 local people, they say so and that is the crux of the matter. I do not know why you are seeking extension. What is the hope you are having—more defections and a more stable government? A time has come when the government should take courage and dissolve the assembly and hold new election in a suitable condition, in a freer atmosphere. But before that, it is very necessary that the Congress Party, the CPI and other democratic elements who are committed to the 20 point programme should be associated with its implementation at the State, district, taluk and village levels, so that better conditions may be created. Without that, in the present condition, there cannot be free elections. So, instead of bringing this resolution, the government should pick up the courage to dissolve the Assembly and order fresh elections and in the meanwhile ensure that the national guidelines are followed and the 20 point programme is implemented there through proper cooperation of the people and the concerned political parties.

श्री हरी सिंह (खुर्जा) : माननीय सभापति जी, गुजरात राज्य में यह तीसरी बार राष्ट्रपति का शासन है जो चल रहा है। राष्ट्रपति जी का शासन वहां पर क्यों लागू करना पड़ा—मैं इसकी ओर आपका व्यक्तिगत ध्यान आकर्षित करना चाहता हूं। जब वहां पर कोई शासन व्यवस्था, कोई प्रशासन नहीं रह गया था, वहां पर जो जनता फ्रंट की सरकार थी, वह अपनी कुनबा-परवरी में लगी हुई थी, 20 सूत्री कार्यक्रम की तरफ, जिसके द्वारा देश का नवनिर्माण हो रहा था, उस सरकार की

जरूरत नहीं थी, फूड-फ्रंट की तरफ भी उस सरकार का ध्यान नहीं था, यहां तक कि धीरे धीरे वह मोर्चा टूटने लगा। उस सूरत में जब कि गुजरात राज्य का उत्थान होना, निर्माण होना, रचना होना, उन्नति और तरक्की होना असम्भव हो गया था, तब केन्द्रीय सरकार के पास कोई विकल्प नहीं रह गया और उसे बाध्य होकर वहां पर राष्ट्रपति शासन लागू करना पड़ा।

अब यह सवाल उठता है कि गुजरात में राष्ट्रपति शासन को क्यों बढ़ाया जा रहा है? मैं इसके सम्बन्ध में कुछ ठोस आर्ग्यूमेन्ट्स आपके सामने रखना चाहता हूं। आपको मालूम होगा कि जनता फ्रंट ने अपने दोस्तों और साथियों के न जाने कितने पैनल्स वहां पर बना दिये थे, जिससे उनको पैसा मिलता था, जिनकी वजह से वहां का शासन भ्रष्ट हो गया था। एक तरह से लूट मच गई थी। लेकिन राष्ट्रपति जी का शासन लागू होने के बाद वहां एक जबरदस्त परिवर्तन आया। अनेकों पौपुलर कमेटियां बनाई गई, मुखतलिफ शोबों और राज्य के विभिन्न हिस्सों से जनता का इन्वाल्वमेन्ट उनमें किया गया, यहां तक कि मुहल्ला और गांव के लोगों का इन्वाल्वमेन्ट वहां के प्रशासन में किया गया।

इतना ही नहीं—आप गुजरात की 1976-77 की योजना को देखिए—उसका दो-तिहाई खर्च बीस सूत्री कार्यक्रम को पूरा करने के लिये किया जा रहा है, जिसके सहारे आज देश का उत्थान होना है। जिस तरह से च्यवन ऋषि ने च्यवनप्राश खा कर कायाकल्प कर दिया था, उसी तरह से इन बीस सूत्री आर्थिक कार्यक्रमों के द्वारा हमारे देश का आर्थिक ढांचा बदलने का प्रयास चल रहा है। हमारे मौजूदा बजट में दो-तिहाई भाग इस पर खर्च किया जा रहा है, जिस से गुजरात की काया-पलट हो जायगी। आप देखिये—केन्द्रीय सरकार लैण्ड सीलिंग का कानून लाई, जिस के जरिये देश में भूमि सुधार के कानून लागू किये गये, लेकिन गुजरात की जनता फ्रंट सरकार ने उस पर ध्यान नहीं दिया। हमारे भूमिहीन लोग, हमारे गरीब मजदूर सरकार की तरफ निगाह उठा कर देख रहे थे कि सरकार उन को भी जमीन देगी, दूसरे सूबों में लोगों को जमीनों के पट्टे दिये जा रहे थे, लेकिन इस राज्य में उस सरकार ने कुछ नहीं किया। लेकिन राष्ट्रपति शासन के लागू होने के बाद गुजरात के अन्दर 57000 कन्सील्ड टैनेन्सीज को डिटेक्ट किया गया और उन गरीब मजदूरों को, गरीब भूमिहीन लोगों को टेनेन्सी राइटस दिये गये।

यही नहीं, लैण्ड सीलिंग एक्ट के लागू होने से चालीस हजार हेक्टेयर सरप्लस लैण्ड निकली। यह लैण्ड उनको दी गई जिन के पास लैण्ड नहीं थी, जिन के पास रोजगार नहीं था, जिन के पास मजदूरी नहीं थी। उनको दी गई जो भूतपूर्व बड़े बड़े जमींदारों और सरमायेदारों के यहां दिन रात खेती किया करते थे।

सारे गुजरात में आज टेंशन है बड़े बड़े जमींदारों और खेतीहर मजदूरों के बीच में। मैं एक किस्से की ओर मन्त्री महोदय का ध्यान आकर्षित करना चाहता हूं। इस घटना में दो मजदूर मारे गए हैं। 16 अगस्त की यह घटना है। इन मजदूरों का कसूर यही था कि वे मिनिमम वैजिज की मांग कर रहे थे, उस की मांग कर रहे थे जो खेतीहर मजदूरों के लिए कानून में मजदूरी तय की गई है। इस कारण से सारे गुजरात में आज टेंशन है, सरमाएदारों और छोटे छोटे काम करने वालों के बीच में। इस ओर मन्त्री महोदय का ध्यान जाना चाहिये और इन छोटे लोगों के हितों की रक्षा होनी चाहिये।

गुजरात में आर्थिक संकट कुछ समय पहले था। अन्न का संकट था। ऐसा मालूम पड़ता था कि अकाल गुजरात के लिए एक परमानेंट

[श्री हरी सिंह]

की चीज हो गई है। सरकार ने मेहनत की, किसानों को सुविधायें दी, किसान ने उत्पादन करके दिखाया और इसका नतीजा यह हुआ कि वहां पचास हजार टन प्रोक्योर करने का लक्ष्य निर्धारित किया गया था वहां 1 लाख 36 हजार टन इकट्ठा किया गया। यही नहीं चालीस हजार टन चावल भी प्रोक्योर वहां पर किया गया। लोगों को भूमि दी गई लेकिन भूमि देने के साथ साथ बैंकों ने वहां लोगों को कर्ज देने की व्यवस्था भी की। भूमि सुधारों के साथ साथ जो कर्ज देने की सुविधायें उपलब्ध करने का केन्द्रीय सरकार ने फैसला किया है, वे सुविधायें भी वहां दी जा रही हैं और इसके बहुत अच्छे परिणाम निकले हैं।

वहां की अपोजीशन डिवाइडिड है। उसके पास शक्ति और सामर्थ्य नहीं है कि वह सरकार को चला सके। पापुलर सरकार स्थापित करने की यहां मांग की गई है। मैं कहना चाहता हूं कि पापुलर सरकार ने जनता का इंटरैस्ट वहां नहीं है। उसका इंटरैस्ट इसमें है कि उसको रोजगार मिले, खेती के लिए पानी मिले, समय पर बीज खाद आदि उपलब्ध हों और घर में बैठ कर शान्ति और अमन के साथ, सुरक्षा के साथ अपना जीवन यापन कर सके। कुछ लोग में होड होती है कि उनको बराबर शासन करने का वक्त मिलना चाहिये। वहां पर एक के बाद एक सरकारें बनी लेकिन वे टिक नहीं सकी, स्टेबिल सरकार वहां बन नहीं सकी। डिफैक्शन्ज का वहां बोल बाला रहा। उत्तर प्रदेश में सब से पहले डिफैक्टेज की सरकार बनी थी जिस के नेता चौ० चरण सिंह थे जो आज बी०एल०डी० के सभापति भी है। टिफैक्शन के पालिटिक्स पर एक किताब भी लिखी गई है जिसमें यह कहा गया है कि ये जो एस०बी० डी० की, ये जो मोर्चे की सरकारें थी ये चल नहीं सकी। एक के बाद एक गिरती चली गई। किसी भी सूबे में मिली जुली सरकार, संविधा की सरकार, मोर्चे की सरकार चल नहीं पाई। ऐसे लोगों के हाथ में शासन की बागडोर देना कभी मुनासिब नहीं है। कांग्रेस जनता का वैलफेयर चाहती है। वह शासन की भूखी नहीं है। जो कहते हैं कि चुनाव कराइये उनको मैं सलाह देना चाहता हूं कि अगर इंदिरा गांधी जी ने चुनाव करा दिए तो अपोजीशन के आधे लोग साफ हो जायेंगे और जो संख्या दिखाई भी दे रही है वह भी दिखाई नहीं देगी।

वहां की जनता सकून चाहती है, शान्ति और व्यवस्था चाहती है। इस वास्ते यह जो प्रस्ताव है इसका मैं समर्थन करता हूं।

16 hrs.

श्री आम्बुबेल बोटे (नागपुर) गुजरात में राष्ट्रपति का शासन जारी रखने का प्रस्ताव संसद में पेश है। देश के गृह मन्त्री श्री ब्रह्मानन्द रेड्डी ने इस प्रस्ताव को पेश किया है। इस को पेश करते हुए उनको ब्रह्म आनन्द हुआ होगा। उन्होंने अपने वक्तव्य में कहा है कि सारा गुजरात आजाद ही आजाद है, सारा गुजरात चमन बना हुआ है, सुशासन सुफलाम बना हुआ है गुजरात बडा शान्त है, बहुत सुन्दर बना हुआ है गुजरात और वहां की जनता बडी खुश और खुशहाल है। और यह कहते वक्त ब्रह्मानन्द जी ने यह भी बताया कि गुजरात में 20 सूत्री कार्यक्रम पर अमल बहुत जोर के साथ चल रहा है। यदि गुजरात में राष्ट्रपति शासन रहने की वजह से 20 सूत्री कार्यक्रम पर अमल अच्छे ढंग से हो रहा है तो मैं सरकार से पूछना चाहता हूं कि फिर राष्ट्रपति शासन सारे देश में क्यों नहीं लागू करते? गुजरात सरकार नाकामयाब साबित हुई गुजरात की सरकार तोडने की कोशिश शासनकर्त्ताओं ने नहीं की, लेकिन टूटी। गुजरात में राष्ट्रपति शासन लगा सकते हो, तमिलनाडु की सरकार जहां चुनाव दो महीने में होने वाला था, वहां की सरकार बर्खास्त कर सकते हो, और यह दोनों सरकारें बर्खास्त

करते वक्त आप को कुछ उन्द हुआ। उसी वक्त उत्तर प्रदेश की सरकार जहां कि तबदीलियां जारी हैं, उत्तर प्रदेश का माहौल भी जाहिर है, वहा के आपसी झगडों को निपटाने के लिए राष्ट्रपति शासन लगाया गया, दूसरे व्यक्ति को मुख्य मन्त्री बनाते हो। बिहार मे वातावरण तंग रहा चलना फिरना मुश्किल हुआ उस वक्त यह मन्त्री और शासन को ऐसा नही लगा कि बिहार मे राष्ट्रपति की हुकमत जारी करे। वहा इस की जरूरत महसूस नहीं हुई। और स्वय ब्रह्मानन्द जी जिस वक्त आन्ध्र प्रदेश के मुख्य मन्त्री थे वहा का माहौल भी सब को जाहिर है कि सेपरेट तेलगाना का जनआन्दोलन चल रहा था, जो पूर्णत जनता का आन्दोलन था, जैसे सैपरेट विदर्भ का आन्दोलन जनता का है। तेलगाना का आन्दोलन जनता का आन्दोलन था, वहा का माहौल बिगड गया था, वहा आप ने राष्ट्रपति शासन क्यों नही लगाया? वहा क्यो सकोच लगा आप को यह मैं जानना चाहता हूं?

मान्यवर, राज्यकर्त्ताओ को कितना भी ब्रह्मानन्द हो, लेकिन प्रश्न यह है कि जब कोई व्यक्ति बहुत बडा हो जाता है, वह शक्तिशाली हो जाता है, सत्ताधारी दल का नेता बहुत शक्तिशाली होता है और उस का दल उतना ही शक्तिशाली हो जाता है। उस वक्त उस शक्तिशाली व्यक्ति को, नेतृत्व की और उस दल को हिलाने की ताकत विरोधी दलो मे नही होती विरोधी दल उस शक्तिशाली व्यक्ति को हिला नही सकते, तोड़ नही सकते उस वक्त सत्ताधारी व्यक्ति उस सत्ताधारी दल का महान नेता और वह सत्ताधारी दल खुद को तोडने की कोशिश मे लगता है। मेरे ख्याल से सत्ताधारी व्यक्ति इस देश की महान नेता श्रीमती इन्दिरा गाधी अपने को तोडने की कोशिश कर रही है। और जिस दल को विरोधी दल के लोग धक्का नही लगा सकते उस दल का टूटने का प्रोसेस शुरू हो गया है। प्रक्रिया मे से एक महान नेतृत्व जो इन्दिरा गाधी के रूप में बना जिस पर हमारा और हमारे दल को भी विश्वास है वही नेतृत्व जिस को विरोधी धक्का नहीं लगा सकते, वह नेतृत्व और दल खुद को बिगाडने की कोशिश कर रहा है। ऐसा होता ही है। लेकिन यह हमारे देश के हित में नहीं है। मेरी समझ मे नही आता कि ऐसी सलाह इन्दिरा जी को कौन देता है? मुझे लगता है कि जो इन्दिरा जी को यह सलाह देते है कि सरकारों को गिराओ वह नेक दिल के नहीं है। वह चाहते है कि इन्दिरा गाधी जी टूट जाये उन का नेतृत्व टूट जाय।

इस के अन्दर क्या प्रश्न है? मैं सरकार से पूछना चाहता हूं कि अपनी सारी ताकत गुजरात मे क्यों लगा रहे हो? राष्ट्रपति का शासन नौकरशाही का शासन होता है। वहा राष्ट्रपति या उप-राष्ट्रपति खुद हुकूमत करने नही जाते। राष्ट्रपति की हुकूमत का अर्थ है नौकरशाही ब्यूरोक्रेसी की हुकूमत आई०ए०एस० और आई०पी०एस० की हुकमत। क्या केन्द्रीय सरकार गुजरात की जनता के भाग्य को आई०ए०एस० और आई० पी०एस० के हवाले कर देना चाहती है?

ससदीय प्रजातत्र को ठीक ढग से चलाने का दायित्व सत्ताधारी दल और उसके नेतृत्व पर है। लेकिन बदकिस्मती से आज यह नहीं हो रहा है। अगर ऐसी स्थिति जारी रहती है, तो शहर भडक उठेगा। जब शोले के ऊपर राख आ जाती है, तो ऐसा लगता है कि अब उसमे आग नही रही है, लेकिन जब उस पर कोई फूक मारता है, या कोई तूफान आता है, या हवा का झोंका आता है, तो वह शोला भड़क उठता है और अपना प्रखर रूप धारण कर लेता है।

आज सत्ताधारी दल का जो नेतृत्व है, वैसा नेतृत्व कई सालो के बाद इस देश को मिला है। वह एक प्रखर नेतृत्व है। आज

[श्री जांबुवन्त धोटे]

उस दल के लोगों, और उस नेतृत्व के लिए आत्मसंशोधन करने का वक्त है। लेकिन आज दृष्टिकोण यह है कि जितनी देर चलता है, ऐसे ही चला लो; सब लोग तालियां बजाते हैं और तारीफ करते हैं, तो खुश हो जाओ। जब आदमी बड़ा हो जाता है, उसके हाथ में हुकूमत होती है, उसका नाम रोशन होता है, तब उसके साथी उस से दूर हो जाते हैं। उसके सही हिमायती और सही दोस्त उससे दूर चले जाते हैं और उसके आस-पास खुशामदी लोग इकट्ठे हो जाते हैं। कई राजाओंमहाराजाओं की यही स्थिति हुई। जो राजा-महाराजा खुशामदियों के चक्कर में पड़े, वे नष्ट हो गये।

बदकिस्मती से आज देश का नेतृत्व खुशामदियों के चक्कर में है। लोग खुशामद करते हैं। कोई भगवती कहता है, कोई महादेवी कहता है, कोई सामने जा कर शेर कहते हैं। यह सब कुछ उनको खुश करने के लिये किया जाता है। लोग उनकी मेहरबानी पाने, के लिये सब बातें करते है, दिल से नहीं। लाबी और सेंट्रल हाल में, प्राईवेट मीटिंगों में सत्ताधारी दल के लोग इन्दिरा जी, नेतृत्व और विश्व के घटना-क्रम के बारे में क्या कहते हैं, इस बारे में कुछ कहना मैं मुनासिब नहीं समझता हूं।

श्री गढ्वर लाल पटेल : कहेंगे, तो भी हम नहीं मानेंगे। इसलिये जो कहना हो कह दीजिये।

श्री जांबुवन्त धोटे : सभापति महोदय, मैं इनके बारे में क्या कहूं? यह 1971 के चुनाव में विरोधी दल से चुनकर आये, लेकिन फिर कांग्रेस पार्टी में चले गये।

श्री गढ्वर लाल पटेल : हम इन जैसे नहीं है। यह श्रीमती इन्दिरा गांधी को नेता स्वीकार करते हैं, लेकिन वास्तव में उनका विरोध करते हैं। सेंट्रल हाल में जो कुछ कहा जाता है, वह बता दें।

MR. CHAIRMAN: You are also not following him. There is no reason for you to interrupt him. I do not understand why you are unnecessarily provoking him. You address the Chair; don't interrupt him like this.

श्री जांबुवन्त धोटे : यदि केवल सत्ता के लिये, केवल कैबिनेट रैंक, राज्य मंत्री का स्तर या डिपुटी मिनिस्ट्री पाने के लिये ये सारी बातें होती हैं, तो तारीख और तारीखदा उसको क्षमा नहीं करेंगे। इस माहौल में स्थिति बहुत बिगड़ जाती है। इसलिये ऐसे वक्त पर सत्ताधारी दल, और खास तौर पर उसके नेताओं, और श्रीमती इन्दिरा गांधी, पर विशेष दायित्व है।

गुजरात में राष्ट्रपति की हुकूमत कितने समय तक जारी रखनी है, यह एक अलग सवाल है, लेकिन अगर राष्ट्रपति की हुकूमत लाद कर गुजरात और तमिलनाडु में कार्य अच्छी तरह से हो रहा है, तो मेरी दरख्वास्त है कि सरकार राष्ट्रपति की हुकूमत को पूरे देश में लागू कर दे।

आज आपको मालूम है कि देश के बहुत सारे राज्यों में ऐडहाक चीफ मिनिस्टर्स हैं, बहुत सारे राज्यों में ऐडहाक कांग्रेस कमेटियां हैं। तो इन सारे ऐडहाक चीफ मिनिस्टर्स और ऐडहाक कांग्रेस कमेटियों को हटा कर राष्ट्रपति हुकूमत बहा लाई जाती है और 20 सूत्री कार्यक्रम का ईमानदारी से अमल होता है जिसमें डाउन ट्रोडेन को उठाने का सर्वहारा जनता, शोषित जनता को नीचे से ऊपर उठाने का कार्यक्रम है, उसको इम्प्लीमेंट करने की ताकत यदि राष्ट्रपति हुकूमत में है तो देश के सारे राज्यों में राष्ट्रपति हुकूमत

जोरी की जाय। नेता जी सुभाष चन्द्र बोस ने भी कहा था कि यदि देश में सही माने में सर्वहारा जनता का राज्य हो, यदि देश में देशभक्ति राष्ट्रभक्ति और उसी के साथ साथ अनुशासन रहे तो उसके लिये कम से कम चार सालों तक डिक्टेटरशिप रखनी चाहिये। यदि इन्दिरा जी के स्वरूप में गरीबों के लिये, सर्वहारा जनता के लिये, सामान्य लोगों के लिये, राष्ट्र के उत्थान के लिए और 20 सूत्री कार्यक्रम के अमल के लिये राष्ट्रपति के द्वारा डिक्टेटरशिप आती है तो उस का भी मेरा दल, नेताजी सुभाष चन्द्र बोस का दल, फारवर्ड ब्लाक समर्थन करता है।

श्री अरविन्द एम० पटेल (राजकोट): सभापति महोदय, गुजरात में राष्ट्रपति शासन की अवधि बढ़ाने का जो निर्णय सरकार ने किया है उसका मैं स्वागत करता हूं और इस संकल्प का समर्थन करता हूं। इसके लिये मैं सरकार को धन्यवाद देता हूं। गुजरात की राजकीय स्थिति दूसरे प्रान्तों से कुछ विशिष्ट है। विरोधी दलों ने अपने राजनतिक स्वार्थों के लिये गुजरात को कई बार राजकीय प्रयोगभूमि बनाया। उन लोगों के कारण गुजरात की जनता को कितना नुकसान हुआ है वह इन लोगों ने नहीं सोचा। गुजरात में बार बार अव्यवस्था और अस्थिरता का सृजन इन लोगों ने किया है। कुख्यात नव-निर्माण आन्दोलन का सर्जन इन लोगों के दिमाग की पैदाइश है जिसके कुप्रभाव से आज भी गुजरात मुक्त नहीं हो सका है। सभी विरोधी दलों की मिलीजुली सरकार, मोर्चा सरकार ने वहां आठ महीने अपना शासन चलाया था और उस आठ महीने के शासन में सरकार के प्रशासनतंत्र का भरसक दुरुपयोग कर के इन लोगों ने गुजरात को बड़ा नुकसान पहुचाया। उनके शासन की वजह से प्रधान मंत्री के 20 सूत्री आर्थिक कार्यक्रम का कोई लाभ गुजरात को नहीं मिल सका है जो लाभ अब राष्ट्रपति के शासन में मिलना शुरू हुआ है। सरकार के प्रशासन-तंत्र को पहले मोर्चा सरकार ने अस्त-व्यस्त और छिन्न-भिन्न कर दिया था। अपने दलों के हितार्थ मोर्चा सरकार ने प्रशासन-तंत्र का पूरा फायदा उठाया है। उस शासन के दौरान मोर्चे के कई फरारी नेता और सारे देश के असामाजिक तत्व गुजरात में पनाह पाकर पनप रहे थे जिनमें जार्ज फरनान्डीज भी थे जो कि अब कलकत्ता में पकड़े गये है। यही अर्थों में उन दिनों गुजरात असामाजिक तत्वो का अड्डा बन गया था। शुक्र है भगवान का कि मोर्चा सरकार अपने आप ही टूट गई। मोर्चा सरकार के पतन के बाद वहा राष्ट्रपति शासन लागू किया गया और गुजरात सीधे केन्द्र की हुकूमत में आने के बाद आज प्रशासकीय तन्त्र में बड़े पैमाने पर सुधार शुरू हो गया है और बीस सूत्री आर्थिक कार्यक्रम का पूरा लाभ जनता को मिलने लगा है। फिर भी विरोधी दलों ने अव्यवस्था और अस्थिरता लाने का भूगर्भीय प्रयत्न वहा जारी रखा है। आज केन्द्रीय सरकार उनकी सफाई करने के काम में लगी हुई है। केन्द्रीय सरकार अफसरो पर भी कड़ी निगरानी रख रही है। गृह मंत्री तथा गृह राज्य मंत्री की पिछली मुलाकात के बाद प्रशासकीय तन्त्र को ठीक से काम में लगाया गया है। गृह राज्य मंत्री, श्री ओम मेहता की पिछली मुलाकात के बाद तो स्टेट में काफी सुधार हुआ है। गुजरात के प्रशासकीय तन्त्र पर सही निगरानी रखने के लिये मैं गृह राज्य मंत्री, श्री ओम मेहता को गुजरात की जनता की ओर से धन्यवाद देता हूं। विरोधी दलों के सदस्यगण गुजरात में कांग्रेस की प्रजा सरकार बनाने की राह देख रहे हैं ताकि फिर से वहा पर गड़बड़ी पैदा कर सकें और अस्थिरता लायें। वे लोग केन्द्रीय शासन की वजह से आज दब गये हैं लेकिन उनका हृदय परिवर्तन नहीं हुआ है। कांग्रेस की प्रजा सरकार बनने के बाद एनकेनप्रकारेण उसका पतन कराकर वह

[श्री अरविन्द एम० पटेल]

विरोधी दल फिर से अपने निजी स्वार्थों के लिये अपनी सरकार वहां स्थापित करना चाहते हैं ताकि सारे देश के राष्ट्रविरोधी लोग फिर से वहां पर पनप सकें। गुजरात में आज भी अस्थिरता और अशान्ति लाने वाले तत्व मौजूद हैं पर वे अभी राह देख रहे हैं। ऐसी हालत में मैं सरकार से दरख्वास्त करता हूं कि अभी भी इन तत्वों के साथ कड़ाई से काम लिया जाये। आज गुजरात का मामला सिर्फ गुजरात प्रान्त के सन्दर्भ में ही नहीं बल्कि पूरे राष्ट्र के सन्दर्भ में देखना चाहिये ताकि इन लोगों का गुजरात में गड़बड़ी और अस्थिरता फैलाने का प्रयोग सारे देश में विफल हो जाये। जब वक्त आयेगा तब गुजरात में हम एक स्थायी, मजबूत और प्रभावशाली सरकार बनायेंगे, जनता को दिये हुये इस वचन से हमने कभी मुंह मोड़ने की कल्पना भी नहीं की है लेकिन प्रजातंत्रीय सरकार बनाने के नाम पर या लोकतंत्र के नाम पर राष्ट्र-विरोधी तत्वों को हम कभी पनपने नहीं देंगे। हम जल्दबाजी करके गुजरात में दोबारा विरोधी दलों को सफल होने नहीं देना चाहते जिससे कि न केवल गुजरात बल्कि सारे देश को धक्का लगे।

मैं दोबारा सरकार को धन्यवाद देता हूं और राष्ट्रपति शासन की अवधि बढ़ाने के इस संकल्प का समर्थन करता हूं।

SHRI P. G. MAVALANKAR (Ahmedabad): Mr. Chairman, Sir, I rise to oppose the resolution moved by the Home Minister asking this House to extend the President's rule in Gujarat for six more months. I am sorry the Home Minister is not here at the moment but I am sure he will reply to some of the points which I propose to raise in my speech.

I must say first of all that Mr. Brahmananda Reddy in his opening speech failed to explain why President's rule is being extended in Gujarat. He had given a catalogue of some of the things done in Gujarat. But I do not think that this is the occasion to give a catalogue of what happened under President's rule in the last six months. He brought the resolution for extension so that he can justify why extension is sought for. He argued for stability. He said, political situation had not yet stabilised in Gujarat and therefore, he was asking for President's rule to be extended. I don't understand this question of political stability not being achieved. Is stability to be equated with permanent Congress party rule in this country? If that is the idea of stability, then I ask Mr. Brahmananda Reddy and his colleagues as to who have been ruling in Gujarat since 1st May, 1960. Except for the Janata Front Government of some months, maybe, 8 months or 9 months maximum, in 1975-76, throughout the period, from 1960 till date, if you exclude President's rule periods, Gujarat had been continuously ruled by congress party, first by the undivided congress, then by the congress divided, and then by Congress(R) which means of course, by the congress under Mrs. Indira Gandhi's leadership. It is unfortunate for the people of Gujarat—I also say people of India because Gujarat is a part of India—that they have been suffering from political instability even during congress party rule, first, the undivided congress, then, congress(O), and later Congress (R). It is no use saying that this has happened suddenly. Shri Arvind M. Patel was giving a catalogue of misdeeds of the opposition parties. He may be right; he may not be right; I don't have facts as Government have. But my point is this. What was your party doing, because you had been in the saddle of power from the beginning of 1st May, 1960 until almost today? What have you done? Who is responsible for instability then? Over a period of years, especially, for the last 5 or 6 years, a good number of congress party men in Gujarat are

getting increasingly concerned about the problem of power rather than the problems of the people. It is these considerations of power which concern them more rather than considerations of people's welfare. If consideration of people's welfare is there, then there will not be any power politics. Mr. Chairman, Sir, I tell you this that the congress party would have been able to form a government during the six month President's rule period. But why is it not so? How is it that they are not able to form a government? The Home Minister may say, the political situation is not stabilised. It is a more euphemistic way of saying that we have not settled our own quarrels in the party as to who will lead the party, who will become chief minister, who will become ministers, what should be the size of the cabinet and so on and so forth. These are problems which are ticklish and devilish, which no doubt cause constant headache to them. Therefore they are not able to decide and that is why they use this constitutional provision of President's rule to continue.

My friend Shri Natawarlal Patel said something. I love him. I don't accept his views. But I still love him. Now, I don't know why he started his speech by referring to my election. I don't know why. If at all he wanted to refer to my election I would have liked him to refer to my election in terms of facts and not in terms of facts which he would like one to believe as facts!

MR. CHAIRMAN: Both of you remain fair in love and in war!

SHRI P G. MAVALANKAR: My point is this. What is the point of his referring to my election? It was in October 1972 and nearly four years have elapsed. For example, if I were to say that my dear friend Shri Natawarlal Patel was elected in 1971 —if my memory does not fail me— he was elected on the Congress(O) ticket.

SHRI NATAWARLAL PATEL: That is known to everybody.

SHRI P. G. MAVALANKAR: I am glad that my memory has not failed if I say that Mr. Patel had later left Congress(O) and he has now defected to Congress(R). How does it help my argument?

SHRI S. A. SHAMIM (Srinagar): It is admitted.

SHRI P. G. MAVALANKAR: Similarly, if he says about me and my election, how can this help him, by referring to the fact that I was supported by the Opposition parties?

The fact of the matter is that in a byelection that was held in my home city and Constituency, Ahmedabad, I filed my nomination paper on October 4, 1972 and since then and during the campaign, and thereafter, until this moment of my speaking, I have remained genuinely, truly and completely independent. I may tell my hon. friend, Shri Patel, that many Opposition Parties supported me in the election. But, they supported me unconditionally. For his benefit, I may even say that some Congress men too supported me. That is not the point here. How does this help him? Let us not go into these things. I am not a Member of the Janta Morcha. Otherwise, I would not find myself sitting here. As you know, Sir, some of these people have been abstaining from proceedings for some time.

My point is this. The Government is a prisoner of indecision. They are not able to decide whether Shri Madhavsingh Solanki, the present leader of the Congress Parliamentary Party in Gujarat will become the Chief Minister or Shri Hitendra Desai will become the Chief Minister. (*Interruptions*).

SHRI M. C. DAGA (Pali): How do you know about it?

SHRI P. G. MAVALANKAR: Mr. Daga is right when he said how would I know about it? I would not know about it except through the newspaper reports of the *Indian Express* and other newspapers Mr. Daga's own Congress Partymen have also told me these things, times without number. Their difficulty is that they are not able to decide which Captain to follow—Shri Solanki or Shri Hitendra Desai? Shri Madhavsingh Solanki is a sitting M.L.A. and leader of the Congress Parliamentary Party of the Gujarat Assembly. Shri Hitendra Desai joined the Congress Party during the emergency. I believe it was on September 11, if I mistake not. On September 12, or so he joined. And therefore they are not yet sure who will become the Chief Minister. In all fairness, however, I ask, why should people of Gujarat suffer in terms of not having a popular government because the Congress Party is not able to solve the internal quarrel? But this why, they want to impose once more the President's Rule.

Sir, the Congress party has now a big majority in Gujarat Assembly, then, who is responsible for the extension of President's Rule in my State? It is not an absence of some politically stabilised forces, as my friend, the Home Minister, Shri Reddy, would like me and the House to believe and the country to believe. It is a strange and a sad spectacle that in spite of the emergency, in spite of the press being censored, in spite of the fact that everything is in favour of the Congress Party, and the Congress Party even under the President's Rule is having all freedom—it is the others who are suffering from want of this freedom—it is a sad commentary, then, that they cannot form a stable Government or even form any kind of Government, in spite of all this favourable situation.

Now, Sir, what is the situation in the Gujarat Assembly? The Assembly had 182 seats. I am very sorry that three Congress M.L.As. passed away. Of course, there is the Speaker. If you exclude these four, you have only 178 MLAs in the Assembly which is now in an animated suspension. Shri Hitendra Desai, only a few days ago, told the reporters of the press—whatever he says to the press reporters is printed and what we may say outside is never bothered to be printed by the reporters—that the Congress has now got 106 MLAs, many of them have joined the party recently and we welcome them with enthusiasm into our fold. Some of them are of course *Jan Sangh* people, and there were some other people also. They have all been taken, apart from some Congress(O) MLAs and workers, I ask: If 106 or 105 approximately is the present strength of the Congress Party in Gujarat Assembly, why can they not form the Government? On the other hand the important point is this.

On the other hand the Opposition is further cut and weakened—not merely by further intimidation and terror of MISA, but by large scale MISA arrests already done! My information is that about 20 to 24 Opposition MLAs are under detention in various prisons in Gujarat under MISA including the former Chief Minister, Shri Babubhai Jasubhai Patel and most of his cabinet colleagues. So, on the one hand you have got 106 MLAs with you, on the other, 20 to 24 MLAs have been made functionless by putting them under MISA, and in addition, two Congress(O) and Front MPs from Rajya Sabha and about 700 political workers, dissenters, teachers, students, writers, doctors, lawyers, etc. have been put behind

the bars. Further the Press is obedient and the All India Radio is jubilant. Even then way can't they form the Government? Sir, what greater proof can there be of political bankruptcy?

Then, Sir, I ask one simple question and I hope the Home Minister, Shri Brahmananda Reddy will reply to it. On 12th March 1976 the Morcha government was toppled, and it could not be toppled by the Congress party's strength of 75, which was reduced to 72 a little later. Seventy two cannot topple the government of eighty-six, It was toppled because a considerable or let us say sufficient number of Independents and Opposition MLAs were either brought in—I don't say, brought in—somehow and with that help the Government was toppled. My friends of the Congress party—not only from Gujarat but from other parts of India —are saying that there are right reactionaries, kulaks, etc. in the country who must be dealt with. I ask them: Did you not take the crutches of right reaction and power hungry people in Gujarat for toppling the Morcha Government? You cannot say the Opposition is and did all bad. You cannot have the cake and eat it too! When therefore. the Morcha Government was toppled, were you merely interested in toppling the Government or did you also consider having your party rule within six months in Gujarat? Sir, seventy two Congress MLAs of Gujarat have today become one hundred and six! How did it happen? Certainly, not by election! The additional strength is through defections. So, Sir, it is a terrible commentary on the state of affairs of the Congress Party in Gujarat particularly so far as defections are concerned.

Then, Sir, they complain and make statements when ten rebel congressmen of the J&K assembly join the National Conference Party of Sheikh Mohd. Abdullah. What moral authority have the Congressmen to complain when they themselves indulge in this kind of thing? Sir, the Constitution has been used and twisted for party ends and gains. They are using this provision of extension of President's rule purely as a procedural measure so that when they are in an advantageous position they will form the Government. This does not speak well of my friends in the Congress Party.

Now that we are going to have another six months of President's rule may I request the hon. Minister that at least let there be more meetings of the Consultative Committee of Members of Parliament on Gujarat legislation During the last six months there has been only one meeting, and no more meetings were held. The interests of Gujarat are endangered, may destroyed. Unfortunately, Gujarat has no stability. I am not saying that President's rule is always bad. It can be a good medicine if it is administered occasionally, but if it becomes daily bread, then it becomes vicious and bad. I have, of course, no words except of praise for Governor K. K. Vishwanathan, his Adviser, Shri A. N. Banerjee and the other administrators in the State Government in Gandhinagar and other parts. For example, I would even compliment Shri Vishwanathan for his imaginative policy on the English question, the study of English from the sixth standard. Some good things have been done. And, I am not criticising these individuals higher up on the ladder. But I am saying that President's rule, however good, cannot be a substitute for self-rule

Gujarat State was formed on 1st May 1960. Since then we had six Chief Ministers, Dr. Jivrajbhai Mehta, our esteemed colleague here, late Shri Balwantray Mehta, Shri Hitendrabhai Desai, Shri Ghyanshyambhai Oza, Shri Chimanbhai Patel and Shri Babubhai Jashbhai Patel. Shri Babubhai Jashbhai Patel was also in the Opposition in the last couple of years. Before, that, he was also a Congressman, belonging to your party. With all these 6 Chief Ministers, what sins

[Shri P. G. Mavalankar]

did the people of Gujarat commit that they should not have a good, stable, sensible, balanced, people-oriented, not power-oriented, Government for a period of five years and at a stretch, continuously? That is the question I would address to the Home Minister and I hope he will give an answer to it.

I do not want to become passionate, I do not want to be emotional, but I tell you that the people of Gujarat, as indeed the people of the whole country, are gifted people, a people with a sense of courage, people with a tradition, a background and also a spirit of adventure and a spirit of service, talented people We have got resources, we are resourceful; we also have backwardness; the Adivasis are there, Harijans are there, people in the villages of Gujarat, rural Gujarat, are very much backward Gujarat is not all rich Therefore, if Gujarat has got all these good points in favour, why should it not have a good, stable, sensible, strong Government for a period of five years so that power ideas are shed and people's welfare ideas are established.

श्री मूलचन्द डागा (पाली): सभापति, महोदय, मैं इस विषय पर बोलना नहीं चाहता था, लेकिन श्री घोटे का भाषण सुन कर मुझे भी इस चर्चा में भाग लेने की प्रेरणा हुई, ताकि मैं उनके प्रश्नों का उत्तर दे सकूं।

कहा गया है कि हम प्रजातंत्र के मूल्यों को खत्म करना चाहते हैं। मैं श्री मावलंकर से यह पूछना चाहता हूं कि गुजरात में जनता मोर्चा की सरकार बनी और नौ महीने तक चली, तो उसके बाद वह किस कारण से टूटी। लेकिन मुझे श्री घोटे की यह बात अच्छी लगी कि जब लोगों के चरित्र गिर जाते हैं और वे मूल्यों को भूल जाते हैं, तो वे दूसरों को दोष देते हैं। श्री मावलंकर यह बतायें कि जब जनता मोर्चा की सरकार और उसके सदस्य ईमानदार और सेवा-भावी थे, तो क्या कारण था कि वे जो इतने अच्छे आदमी थे जो जनता के नुमाइन्दे थे उन्होंने अपना कर्तव्य छोड़ कर उस सरकार को अपने आप गिरा लिया? सरकार जब अपने आप गिर गई तो आर्टिकल 356 के अन्दर गवर्नर साहब जिनकी बड़ी तारीफ मावलंकर साहब कर रहे थे कि बड़े काबिल गवर्नर हैं उन्होंने अपनी रिपोर्ट प्रेसीडेंट साहब के पास भेजी कि गुजरात की सरकार चल नहीं पा रही है, काम चल नहीं सकता है। तो मैं आपसे पूछता हूं कि उस समय हिन्दुस्तान की सरकार के सामने और क्या रास्ता था? जब सरकार चल नहीं सकती और आर्टिकल 356 के अन्दर रिपोर्ट आती है तो केन्द्रीय सरकार और क्या करती? जनता सरकार को मौका दिया गया। जनता सरकार के किसी काम में हस्तक्षेप नहीं किया गया और मैं आपसे कहना चाहता हूं कि नौ महीने के शासन में इनके लिये बड़ा अच्छा मौका था लेकिन जैसा आपने बताया कि 72 के बजाय इधर तो 106 हो गये और उधर और कम हो गये। इसका मतलब यह हुआ कि जनता मोर्चे की सरकार का कार्यक्रम या तो अच्छी नहीं था . . . . . (व्यवधान) . . . .

देखिए शमीम साहब, घोटे साहब के कथन को सुनिये। उनका कहना है कि कौन गिराता है? गिराता कोई नहीं है, अपने पापों से अपने आप गिरते हैं। यह घोटे साहब विदर्भ के हैं और हमारे सभापति महोदय भी विदर्भ के बैठे हुये हैं, बड़े संजीदा व्यक्ति हैं, इनकी हर एक बात में बड़ा गहरापन होता है। इन्होंने बड़े अच्छे ढंग से एक बात यह कही कि लोग अपने आप अपने पापों के गिर जाते हैं और चरित्रहीन लोग जो होते हैं वे काम नहीं कर पाते। तो अब कौन चरित्रहीन हुये—वहां बाबूभाई की सरकार चल रही थी। उस समय आपातकालीन स्थिति लागू होने के बाद गुजरात में जो घटनायें हुई वह आप से छिपी हुई नहीं

हैं, बड़ौदा की घटना और और घटनायें जो हुईं उनसे देश की शोभा नहीं बढ़ती । लेकिन भारत सरकार ने कभी यह कदम नहीं उठाया कि उस सरकार को गिराया जाय और श्रीमती इन्दिरा गांधी की सरकार का एक ही यह स्टेटमेंट था . . (व्यवधान) . .

तामिलनाडु की सरकार के गिरने के बाद सारे देश ने उसका स्वागत किया । . . . . (व्यवधान) . एक बात मैं यह कहूंगा कि यह जो हमको दोष देने हैं कि 6 महीने की मियाद बढ़ा रहे हैं, मैं कहता हू कि मान लीजिये आज भी सरकार बनाना चाहते हैं और हुकूमत करना चाहते हैं तो यह आपको अधिकार है कि जो सेवा करने वाले गुजरात के मेम्बर हैं, जनता मोर्चे के मेम्बर हैं वे फिर ताकत इकट्ठी कर लें छः महीने में और अपनी ताकत गवर्नर के सामने बतला दें . . . (व्यवधान) . . . .

श्री एस० ए० शमीम वे तो मीसा में बन्द हैं, वे कैसे करेंगे ?

श्री मूल चन्द डागा मीसा मे आदमी का शरीर बन्द रहता है, मन और हृदय तो बन्द नही रहता है । उसकी ताकत कही ज्यादा होती है । . . (व्यवधान) . .

मैं एक बात आपसे यह कहना चाहता हूं कि हमारी सरकार की कोई गलती नही है प्रजातंत्रीय हुकूमत के अन्दर हम कोई हस्तक्षेप नही करना चाहते है । हमने क्या किया है ? छः महीने बढ़ाया है । कल भी सरकार बना सकते हैं, परसों भी बना सकते हैं । हमने एक साल नही बढ़ाया, केवल 6 महीने बढ़ाया है । यह इसलिये किया है कि अगर जल्दी से जल्दी स्टेबिलिटी मालूम हो जाय तो सरकार बन सकती है । इसलिये यह 6 महीने का समय बहुत कम बढ़ाया गया है और इसमे कोई घबडाने की बात नहीं है । प्रजातंत्र के मूल्यों का बराबर आदर किया गया है ।

SHRI POPATLAL M. JOSHI (Banaskantha): Sir, I was just watching while Shri Mavalankar was speaking today. For the first time I found that he was a little excited, he is usually not excited. But today I felt that he was a bit excited. He alleged that in the old times the new Congress people were power hungry. He cites history and says that in Gujarat in the last couple of years one after another the government failed because of power hungriness. My only submission is that if the present lot were power hungry as alleged by him, they would have formed the government. We are 106 strong There is nothing which can prevent or stop the congress party from forming the government. But there are certain fundamental things in Gujarat and they have to be looked into.—Welfare of the people and the stability of the Government. We know that it was the Cong.(O) leader, Shri Morarji Desai, who went on a fast and forced the elections in Gujarat even though there was tenible scarcity. We got a majority of votes, but unfortunately we got only 73 seats. The janta morcha sarkar which came into power was a mixture of so many forces—Jan Sangh, Cong (O), Swatantrites and KIMLOKs. KIMLOKs fought against us and Janta Front on their manifesto and joined with them to form Government. At the time of the very formation of the government, there were basic contradictions in its roots and because of that, the janta morcha sarkar fell miserably. Mr Mavalankar alleges that we managed it. If the Congress Party had to manage, we would not have allowed the janta morcha to form the government, because the KIMLOKs were there to join with our party as well. But we were not impatent to form an unstable government with the help of the KIMLOKs or any other reactionary people

After the janta morcha sarkar came to power, it went in for elections to Panchayats in the whole of Gujarat in the hope of sweeping at the poles but in almost all the districts, except one

[Shri Popatlal M. Joshi]

or two, the Congress Party won Today these basic democratic institutions, namely, the zila panchayats in the whole of Gujarat are in the hands of the Congress and they are implementing the 20 point programme Everybody knows that in Maharashtra and Gujarat, the zila panchayats have very wide powers and they are carrying on admirably the implementations of the 20 point programme

During the Governor's raj, already about 3 lakhs plots have been given to the smaller people who had no houses. Already a programme has been drawn up and the Governor declared only a few days ago that the houses will be built for them within a few years These are the outcome of the Governor's Raj However, I am not against popular rule After all we know that self-government is no substitute for good government If we were power hungry, nobody could have stopped us from coming to power After the friends of the hon member over there formed the janta morcha sarkar all the anti-social elements in India wanted for violence sabotage, etc went to Gujarat We now know about the Baroda dynamite case It has come in the newspapers that they wanted to blow up the communications system and other vital installations all over India All these are open charges put up before the court Now the fear of my friend Shri Mavalankar and others of the janta morcha people there is that the sand is fast getting away from under their feet That is why they want a popular government there for usual mischief They have seen the results of the elections held during the morcha rule and they have seen the mind of the people also But we are not there to oblige them If during the Governor's Raj all the 24 Programmes are carried out, if everything is going on smoothly, if the so many hurdles which are there are taken out, if gains of emergency are consolidated, what is wrong if the Governor's Raj is extended by another six months? But their frustrations is reaching the saturation point After all, they are worried about the elections, they are worried about so many things—the developments. Slowly, the sand under their feet is getting away and soon they will be swept away from where they are sitting. That is their fear. There is nothing wrong if the Governor's Raj is extended by another six months. So, I am here to support the Resolution

श्री इसहाक सम्भली (अमरोहा) : चेयरमैन साहब मैं होम मिनिस्ट्री को और खास तौर से श्रीमती इन्दिरा गांधी को इस बात के लिये मुबारकबाद देना चाहता हू कि उन्होंने गजरात मे गवर्नमेंट फौर्म नही की और इस तरह उन डिफेक्टर्स को जिनमे बडे और छोटे सभी शामिल हैं, उनको माय्म कर दिया । अगर कही वहा इन डिफेक्टर्स की गवर्नमेंट बना दी गई होती चाहे हितेन्द्र देसाई हो या कोई और हों तो, चैयरमैन साहब वह गवर्नमेंट स्टेबिल तो होती ही नही, लेकिन साथ ही उन अन्दर जो बदतरीन किस्म का अनसर घुसा हुआ है, आर० एस० एस० और जनसघ का आज उनकी हुकूमत वहा पर होती । एक तरह से वहा पर रवि शकर महाराज की हुकमत होती, जो सर्वोदय का लबादा ओढे हुए क्या कर रहे हैं, आप मुझ से ज्यादा जानते है ।

चेयरमैन साहब मेरी समझ म नही आता--आखिर सरकार का क्या परेशानी है । एक तरफ तो एन्टीडिफेक्शन बिल आया हुआ है कोशिश की जा रही कि उसको जल्द से जल्द पास किया जाय, दूसरी तरफ वहा पर डिफेक्टर्स को वेलकम किया जा रहा है । जैसा मेरे दोस्त श्री भोगेन्द्र झा ने कहा है—आखिर सरकार के सामने क्या दुश्वारी है, वहा की असेम्बली को डिजाल्व क्यो नही किया जाता है ऐसे डिफेक्टर्स को पब्लिक मनी क्यो दी जा रही है ? हमको शर्म आनी चाहिये—इस चीज पर कि जिस डिफेक्शन को इस मुल्क मे रोकने की कोशिश हो रही है, वहा गुजरात मे डिफेक्टर्स को रिसेप्शन दिया जा रहा है, उनका वेलकम

किया जा रहा है। मैं तो, चेयरमैन साहब, इसकी एक ही वजह समझता हूं—गुजरात वह स्टेट है जिस पर कुछ सरमायेदारों का कब्जा है। वहां के सरमायेदार, बड़े-बड़े पूंजीपति, कस्तूरभाई लाल भाई, मफत लाल और दूसरे पूंजीपति वहां की इकानमी ही नहीं वहां की पोलिटिक्स को भी कन्ट्रोल करते हैं और यह शायद उन्हीं की कोशिशों का नतीजा है, वे चाहते थे कि वहां पर ऐसे डिफेक्टर्स की जल्द से जल्द सरकार बने ताकि उनको फिर से अपनी मनमानी करने का मौका मिले।

चेयरमैन साहब, आप देख रहे हैं यूं तो आज पूरे हिन्दुस्तान की बदकिस्मती है, इस सरकार का निकम्मापन है, कि महंगाई की लहर पूरे देश में फिर से आई हुई है। चीजों की कीमतें कहीं से कहीं पहुंच रही हैं, लेकिन गुजरात शायद इसमें सबसे आगे है। आपको अच्छी तरह से मालूम है कि इस साल गुजरात में मूंगफली की बहुत बड़े पैमाने पर पैदावार हुई है, लेकिन वहां के स्टाकिस्ट्स और होर्डर्स ने मूंगफली के तेल को दबा लिया और कहा गया कि महाराष्ट्र को तेल नहीं भेजा जा सकता, इस लिये कि तेल की कमी है। नतीजा यह हुआ कि तेल के दाम बहुत तेजी से बढ़ते गये। काफी कहने-सुनने के बाद महाराष्ट्र को मूंगफली का तेल भेजा गया। मैं जानना चाहता हूं जिस बीस सूत्री कार्यक्रम का बारबार जिक्र किया जाता है और हम भी चाहते हैं कि वह पूरी तरह से कामयाब हो—उसका पहला ही प्वाइन्ट यह है कि कीमतों में स्टेबिलिटी लाई जायगी, बढ़ती हुई कीमतों को गिराया जायगा, आज जब कि वहां पर राष्ट्रपति शासन लागू है, मैं जानना चाहता हूं कि वहां इस पर कितना अमल हुआ है?

गुजरात में कीमतों के बारे में आप क्या कर रहे हैं यह मैं आप से मालूम करना चाहता हूं। राष्ट्रपति शासन के जमाने में आपने कितने होर्डर्ज को, कितने ब्लैक मार्किटर्ज को, कितने इनकम टैक्स चोरने वालों को, कितने सेल्ज टैक्स मारने वालों को, कितने आर० एस० एस० के लोगों को मीसा में बन्द किया है, यह आप हमें बतायें। मौजूदा जमाने की बदनाम तरीन हकूमत के जमाने में गुजरात रिएक्शनरीज का गढ़ बन गया था। सारे भारत से आर० एस०एस० के वर्कर सारे हिन्दुस्तान में रिएक्शनरी लोग, तोड़-फोड़ करने वाले लोग वहां पहुंच गये थे और वहां जा कर उन्होंने अपना अड्डा जमा लिया था। शायद उसी का नतीजा यह है कि नाइनामाइट केस गुजरात में हुआ। किसी और स्टेट में इस तरह की कार्रवाई करने की उनकी जुर्रत नहीं हुई, गुजरात में ही हुई वर्ना कहां बंगाल और कहां गुजरात। लेकिन सारे आर०एस०एस० के अमर सारे तखरीबी कार्रवाइयां करने वाले लोग जो गुजरात में जमा हो चुके थे वहीं पर उनमें इस तरह की कार्रवाई करने की हिम्मत हो सकती थी और उनसे आप और उम्मीद भी क्या कर सकते थे।

जनता मोर्चे के जमाने में जिन लोगों को आफिशल मशीनरी में लाया गया था और जिनका हक नहीं था और उनको प्रोमोशंस दी गई उनके बारे में भी क्या सरकार ने जांच-पड़ताल करने की कोशिश की? क्या सरकार को इल्म है कि अर्बन लैंड सीलिंग को वहां किस तरह से नाकाम बनाया जा रहा है। इस तरह की जो चीजें हैं उनके पीछे कस्तूरभाई लाल भाई का हाथ है। जो जमीनें सीलिंग में आ जानी चाहिए, उनको मामूली तौर पर कवर करके इससे बचाया जा रहा है। अहमदाबाद म्यूनिसिपल कारपोरेशन पर जो लोग कब्जा किये हुए हैं सरकार ने उसके बारे में क्या कार्रवाई की है? मोरारजी सरकार के जमाने में जिन बेकसूर और बेगुनाह लोगों को मीसा में, डी०आई०आर० में बन्द किया गया था और जिनका कसूर केवल यह था कि उन्होंने सिर्फ कांग्रेस या कम्युनिस्ट पार्टी के उम्मीदवारों का साथ दिया था उनको रिहा करने के बारे में सरकार ने क्या किया है?

[श्री इसहाक सम्भली]

आखिर में मैं यही कहना चाहता हूं कि कोई डिफैक्टर चाहे कितना भी बड़ा क्यों न हो शायद जनता उसको अब बरदाश्त करने वाली नहीं है। यू० पी० में जरूरत आज इस बात की है कि बड़े पैमाने पर ब्लैक मार्किटर्स को, होर्डर्ज को, आर०एम०एम० वालों को बन्द किया जाये, उनका सफाया किया जाये। कुछ अखबार हैं खास तौर पर जन संघ के अखबार और जिनका मैं नाम लेना नहीं चाहता हूं और जो जहरीला प्रचार कर रहे हैं, हमारी डेमोक्रेटिक मूवमेंट के खिलाफ कर रहे हैं, हिन्दुस्तान की प्रधान मंत्री श्रीमती इंदिरा गांधी के खिलाफ कर रहे हैं, उन अखबारों के खिलाफ सरकार ने क्या कार्रवाई की है, यह भी हम को बताया जाना चाहिए। मैं चाहता हूं कि इन चीजों पर आप गौर करें। बेहतर यह होता कि आप असेम्बली को डिसाल्व करते और उसको यहां पर इत्तिला हम को देते। मैं आशा करता हूं कि डिफैक्शंज को वहां पर पनपने नहीं दिया जाएगा और गुजरात असेम्बली को जल्द से जल्द डिसाल्व किया जायेगा।

[شری اسحاق سنبھلی (امروہہ)]:

چیئرمین صاحب - میں ہوم منسٹر کو اور خاص طور سے شریمتی اندرا گاندھی کو مبارکباد دینا چاہتا ہوں کہ انہوں نے گجرات میں گورنمینٹ فورم نہیں کی - اور اس طرح ان ڈیفیکٹرز کا جن میں بڑے اور چھوٹے سبھی شامل ہیں ان کو مایوس کر دیا - اگر کہیں وہاں ان ڈیفیکٹرز کی گورنمنٹ بنا دی گئی ہوتی - چاہے ہوتلدر ڈیسائر ہیں یا کوئی اور ہوں - تو چیئرمین صاحب وہ گورنمنٹ سٹیبل تو ہوتی ہی نہیں - لیکن ساتھ ہی ان کے اندر جو بدترین قسم کا عنصر گھسا ہوا ہے - آر ایس ایس اور جن سنگھ کا، آج ان کی حکومت وہاں پر ہوتی - ایک طرح سے وہاں پر روی شنکر مہاراج کی حکومت ہوتی - جو سرودیا کا لبادہ اوڑھے ہوئے کیا کر رہے ہیں - آپ مجھ سے زیادہ جانتے ہیں -

چیئرمین صاحب میری سمجھ میں نہیں آتا - آخر سرکار کو کیا پریشانی ہے - ایک طرف تو اپلیٹی ڈیفیکشن بل آیا ہوا ہے - کوشش کی جا رہی ہے اس کو جلد سے جلد پاس کیا جائے - دوسری طرف وہاں پر ڈیفیکٹرز کو ویلکم کیا جا رہا ہے - جیسا میرے دوست شری بھوگیندرا جھا نے کہا ہے آخر سرکار کے سامنے کیا مشکل ہے - وہاں کی اسمبلی کو ڈی۔زولو کیوں نہیں کیا جاتا ہے - ایسے ڈیفیکٹرز کو پبلسٹی کیوں دی جا رہی ہے - ہم کو شرم آنی چاہئے - اس چیز پر کہ جس ڈیفیکشن کو اس ملک میں روکنے کی کوشش ہو رہی ہے وہاں گجرات میں ڈیفیکٹرز کو ریسپیشن دیا جا رہا ہے - ان کا ویلکم کیا جا رہا ہے - میں تو چیئرمین صاحب اس کی ایک ہی وجہ سمجھتا ہوں گجرات وہ سٹیٹ ہے جس پر کچھ سرمائے داروں کا قبضہ ہے - وہاں کے سرمائے

سوتری کاریہ کرم کا بار بار ذکر کیا جاتا ہے- اور ہم بھی چاہتے ہیں کہ وہ پوری طرح سے کامیاب ہو اس کا پہلا ہی پوائنٹ یہ ہے کہ قیمتوں میں سٹیبلیٹی لائی جائے - بڑھتی ہوئی قیمتوں کو گرایا جائے گا- آج جب کہ وہاں پر ونٹر پتی شاشن لاگو ہے میں جاننا چاہتا ہوں کہ وہاں اس پر کتنا عمل ہوا ہے -

گجرات میں قیمتوں کے بارے میں آپ کیا کر رہے ہیں یہ میں آپ سے معلوم کرنا چاہتا ہوں - راشٹرپتی شاشن کے زمانے میں آپ نے کتنے ہورڈرز کو کتنے بلیک مارکیٹرز کو - کتنے انکم ٹیکس مارنے والوں کو کتنے سیلز ٹیکس مارنے والوں کو؟ کتنے اور ایسے ایسے لوگوں کو میسا میں بند کیا ہے؟ آپ ہمیں بتائیں- مورچے زمانے کی بدنام ترین حکومت کے زمانے میں گجرات ری ایکشنریز کا گڑھ بن گیا تھا - سارے بھارت سے اور ایسے ایسے ورکرز - سارے ہندوستان کے ری ایکشنریز لوگ توڑ پھوڑ کرنے والے لوگ وہاں پہنچ گئے تھے اور وہاں جا کر انہوں نے اپنا اڈا جما لیا تھا - شاید اسی کا نتیجہ یہ ہے کہ ڈائیلا ماٹیمٹ کیس گجرات میں ہوا - کسی اور سٹیٹ میں اس طرح کی کارروائی کرنے کی ان کی جرات نہیں ہوئی- گجرات میں ہی ہوئی - ورنہ دالو بڑے بڑے پونجی پتی - کستور بھائی لال بھائی - سنت لال اور دوسرے پونجی پتی وہاں کی اکانومی ہی نہیں وہاں کی پالیٹیکس کو بھی کنٹرول کرتے ہیں اور وہ شاید انہی کی کوششوں کا نتیجہ ہے - وہ چاہتے ہیں کہ وہاں پر ایسے قیفیکٹرز کی جلد سے جلد سرکار بنے اور تاکہ ان کو پھر سے اپنی من مانی کرنے کا موقعہ ملے -

چیرمین صاحب آپ دیکھ رہے ہیں ہیں تو آج پورے ہندوستان کی بد قسمتی ہے اس سرکار کا نکماپن ہے - کہ مہنگائی کی لہر پورے دیش میں پھر سے آئی ہے کہ چیزوں کی قیمتیں کہیں سے کہیں پہنچ رہی ہیں -- لیکن گجرات شاید ؟ اس میں سب سے آگے ہے - آپ کو اچھی طرح سے معلوم ہے کہ اس سال گجرات میں مونگ پھلی کی پیداوار بڑے پیمانے پر پیدا ہوئی ہے - لیکن وہاں کے ستاکست اور ہورڈرز نے مونگ پھلی کے تیل کو دبا لیا ہے اور کہا گیا کہ مہاراشٹر کو تیل نہیں بھیجا جا سکتا اس لئے کہ تیل کی کمی ہے - نتیجہ یہ ہوا کہ تیل کے دام بہت تیزی سے بڑھتے گئے - کافی کہنے سننے کے بعد مہاراشٹر کو مونگ پھلی کا تیل بھیجا گیا - میں جاننا چاہتا ہوں کہ جس ۲۰

اُمیدواروں کا سامنا تھا تو وہ کیا کرتے گے بارے میں سرکار نے کیا کہا ہے -

آخر میں میں یہی کہنا چاہتا ہوں کہ کوئی تیفیکلٹی چاہے کتنا ہی بڑا کیوں نہ ہو چلتا شاید اس کو اب برداشت کرنے والی نہیں ہے - گجرات میں ضرورت آج اس بات کی ہے کہ بڑے پیمانے پر بلیک مارکیٹیرز کو ہورڈرز کو اور آر - ایس - ایس والوں کو بند کیا جائے ان کا صفایا کیا جائے- کچھ اخبار خاص طور پر جن سنگھ کے اخبار اور جن کا نام میں نہیں لینا چاہتا ہوں اور جو زہریلا پرچار کر رہے ہیں ہمارے ڈیموکریٹک موومنٹ کے خلاف کر رہے ہیں - ہندوستان کی پردھان منتری شریمتی اندرا گاندھی کے خلاف کر رہے ہیں - ان اخباروں کے خلاف سرکار نے کیا کاروائی کی ہے- یہ بھی ہم کو بتایا جانا چاہئے- میں چاہتا ہوں کہ ان چیزوں پر آپ غور کریں - بہتر یہ ہوتا کہ آپ اسمبلی کو ڈیزولو کرتے اور اس کی اطلاع ہم کو یہاں دیتے - میں آشا کرتا ہوں کہ تیفیکلٹیز کو رہنے پر پھلنے نہیں دیا جائے گا اور گجرات اسمبلی کو جلد سے جلد ڈیزولو کیا جائے گا -]

SHRI B V NAIK (Kanara) I cannot add more to what has been already said We do hope that the evtension period will also be a period for consolidation of the gains of this emergency

[شری استھاق سلیمانی (امروہہ)]

کہاں بدحال اور کہاں گجرات لیکن سارے آر - ایس - ایس کے خفیہ تخریبی کارروائیاں کرنے والے لوگ جو گجرات میں جمع ہو چکے تھے وہاں پر ان میں اس طرح کی کارروائی کرنے کی ہمت ہو سکتی تھی - اور ان سے آپ امید بھی کیا کر سکتے تھے -

چلتا مورچے کے زمانے میں جن لوگوں کو آفیشل مشینری میں لیا گیا تھا اور جن کا حق نہیں تھا اور ان کو پروموشنز دی گئیں ان کے بارے میں بھی کیا سرکار نے جانچ پڑتال کرنے کی کوشش کی - کیا سرکار کو علم ہے کہ اربن لینڈ سیلنگ کو وہاں کس طرح سے ناکام بنایا جا رہا ہے - اس طرح کی جو چیزیں ہیں - ان کے پیچھے کستور بھائی لال بھائی کا ہاتھ ہے - جو زمین سیلنگ میں آ جانی چاہئے ان کو معمولی طور پر کور کرکے اس سے بچایا جا رہا ہے - احمدآباد میونسپل کارپوریشن پر جو لوگ قبضہ کئے ہوئے ہیں سرکار نے اس کے بارے میں کیا کاروائی کی ہے - مورچہ سرکار کے زمانے میں جن بےقصور اور بے گناہ لوگوں کو میسا میں بند کیا گیا - آئی - آر میں بند کیا گیا تھا اور جن کا قصور کھول یہ تھا کہ انہوں نے صرف کانگریس یا کمیونسٹ پارٹی کے

I think that the unfortunate and frequent developments in respect of the State of Gujarat were embedded in the very process in which the Gujarat State went to the polls, as put ably by our learned colleague, Shri P. M. Joshi. That too at a time when the issue was wrested out of the Government at the height of the drought in the State. I think, those who precipitated a poll in Gujarat and many of our friends on the other side who were the votaries for a poll in Gujarat in the midst of one of the most severe droughts should learn a lesson. Now that the results of the poll have not given the desired results, we have to blame ourselves and those who were responsible for precipitating not only the dissolution of the previous Government but for precipitating a poll at the most unpropitious time.

17 hrs.

Gujarat should be a lesson to us in regard to overusing or abusing the democratic processes in our country. from all reports, even in spite of the good indications that the ruling party can form a Government, it has been desisting from having it. It shows that the ruling party would like to have, if and when it forms the Government, a stable Government and a Government which will be in a position to deliver the goods. Therefore, agreeing with all the remarks made by our learned party colleagues, I welcome the Resolution moved by the Home Minister and support it.

17.01 hrs.

[SHRI ISHAQUE SAMBHALI *in the Chair*]

SHRI K. MAYATHEVAR (Dindigul): Mr. Chairman, Sir in the ordinary course or in the normal course, we do not support the President's rule not only in Gujarat but also in Tamil Nadu or any where else. But under the extra-ordinary circumstances and the peculiar circumstances in which the State is suffering under drought conditions, I support the extension of the President's rule in Gujarat.

The Cabinets in Gujarat are appearing and disappearing with a dramatic suddenness. The people, the students and the masses are changing the Cabinets in Gujarat as often as shirts. This is a proverb which is applicable to the French Government, the French Cabinet which appears and disappears with a dramatic suddenness. The people of France are changing the Cabinets as often as shirts. That is what is happening in Gujarat also. Therefore, I would request the hon. Prime Minister and the efficient and able Home Minister to find out, what is the permanent remedy for this and what are the reasons behind this instability.

Now, under the President's rule, the officials are having a strong hand in administration. In Tamil Nadu as well as in Gujarat, because no MLAs are there, no elected representatives are there, they think that they are the monarchs. There is a misuse of powers by the administration and the officials, starting from police constable to I.G. Almost all the administrative officials are misusing their powers. Therefore, it is the duty of the Governor and the administration there to look after the welfare of the people under the president's rule because they do not have elected representatives of a popular Government to look after the welfare of the people there.

There should be some limit for the extension of the President's rule in the States of India. As many hon. Members have pointed out, although the ruling party can have a majority, still they are unable to form a Government there. Why a democratic Government is not allowed to function constitutionally? The reason must be found out. I do not know what is the reasons behind that. The reason should be found out, the remedy should be found out and all the defects both inside and outside the State should be rectified. Then only we can have stable Governments. Changing of Government very often or introducing President's rule very often in any State is not a healthy practice in a

[Shri K. Mayathevar]

democratic set-up, because, it does more harm than an elected Government. That is why we are not happy to welcome President's rule. But, under these circumstances, we welcome President's rule in the State of Tamil Nadu and Gujarat and in any other State, if necessary.

I understand that groundnut oil is not available in Tamil Nadu as well as in Gujarat. I do not think that this is actually not available in the market. An artificial scarcity is being created by certain black-marketeers and profiteers. Under President's rule, you must put down not only smugglers, not only the anti-social elements, not only the anti-national elements, but also those who are cheating the public, cheating the poor man, the downtrodden community and the backward classes and also the democratic governments in the State as well as at the Centre. It is necessary that all these duties have to be discharged to the satisfaction of the people of Gujarat. It is better to have early elections there, so that the elected government can look after the welfare of the people of Gujarat.

I know, the hon. Home Minister, Shri Brahmananda Reddy, and the Prime Minister are very able Ministers, they visit Gujarat and Tamil Nadu very often. They look after the police administration and Home Affairs directly. Still, certain mischievous officials are working against the implementation of the 20-point Programme, they belong to certain political groups which are opposed to the 20-point Programme, they should be plugged out of the government machinery and they should be punished in the interest of the people—not in our interest, not in the interest of the government, but in the interest of the people.

With these words, I support the statutory Resolution extending President's rule in Gujarat for a further period of six months.

डा० छत्र प्रताप सिंह (बाराबंकी) सभापति महोदय, मैं आपका बहुत आभारी हूं कि गुजरात की विधान सभा के निलम्बन की अवधि को और छ महीने के लिए बढ़ाने के सम्बन्ध में गृह मंत्री महोदय ने जो संकल्प रखा है, आप ने मुझे उस पर अपने विचारों को प्रकट करने का अवसर दिया है। मैं उस संकल्प का समर्थन करने के लिए खड़ा हुआ हूं।

माननीय सदन को ज्ञात है कि इस देश में लोकतंत्र, समाजवाद, धर्म-निरपेक्षता, हमारे आदर्शों और हमारे मूल्यों को जो चुनौती दी गई थी, वह गुजरात में प्रतिक्रियावादी, दक्षिण पंथी, यथास्थितिवादी और साम्प्रदायिक शक्तियों के द्वारा दी गई थी। यह कहना अतिशयोक्ति नहीं होगा कि जिन परिस्थितियों के कारण देश में आपातकालीन स्थिति की घोषणा करनी पड़ी थी, उनका प्रारम्भ गुजरात में हो हुआ था। माननीय सदन को इस बात का भी ज्ञान है कि जिस समय देश में समाजवादी नीतियों के कार्यान्वयन और देश के नव-निर्माण का कार्य हो रहा था, तो उस समय दुर्भाग्यवश गुजरात में अनावृष्टि की स्थिति उत्पन्न हुई। उस स्थिति का वहां की पूंजीवादी, दक्षिणपंथी और साम्प्रदायिकता में विश्वास रखने वाली शक्तियों ने अनुचित लाभ उठाया। उन्होंने वहां पर एक ऐसी राजनैतिक स्थिति पैदा की, जिसका दुष्परिणाम सारे देश को भुगतना पड़ा।

प्रतिक्रियावाद, हिंसा और अराजकता की लपटें गुजरात से बाहर पहुंचीं और वे धीरे-धीरे पूरे देश को निगल जाना चाहती थीं। यदि प्रधान मंत्री जी ने देश में आपातकालीन स्थिति की घोषणा करके उस पर नियंत्रण न किया होता, तो आज यह कहना कठिन है कि हम यहां पर सुरक्षित बैठे होते। मैं इस संदर्भ में कहना चाहता था कि गुजरात की विधान सभा के निर्माण के कार्यकाल के संबंध में हम लोग यहां पर विचार करने जा रहे हैं तो हमें इस बात को ध्यान में रखना चाहिए कि जो स्थिति गुजरात में उत्पन्न हुई

थी, जो वहां पर अराजकता थी, हिंसा की परिस्थितियां उत्पन्न हुई थीं उनके लिए आज भी यह कहना कि वे समाप्त हो गयी हैं, कठिन है। आज भी गुजरात में, बिहार में और पूरे देश में काश्मीर से कन्याकुमारी तक और असम से लेकर गुजरात तक वे दब गई हैं लेकिन समाप्त नहीं हुई हैं। इसलिए यह बड़ा आवश्यक है कि गुजरात में राष्ट्रपति शासन के कार्यकाल को 6 महीने और बढ़ा दिया जाय और इसके लिए जो प्रस्ताव लाया गया है वह बहुत ही सम्यक है, बहुत ही उचित है और न्यायसंगत है।

इसके साथ-साथ जो विधायक लोग वहां के कांग्रेस में सम्मिलित हो रहे हैं उनको हमारे दल को और देश को देखने का अवसर मिलना चाहिए। इस बात को समझने का अवसर मिलना चाहिए कि वे कितनी निष्ठा के साथ कांग्रेस में आ रहे हैं। आने वाले जो विधायक गण हैं उनको हमारे नेतृत्व पर और हमारे दल की नीतियों पर, देश में लोकतंत्र, समाजवाद और धर्मनिरपेक्षता की नीति पर यदि विश्वास, आस्था और निष्ठा होगी तो इस बात से हमारी केन्द्रीय सरकार संतुष्ट होगी कि अब वह इस स्थिति में है कि वहां पर एक स्थायी सरकार बन सकती है और मैं समझता हूं कि तभी उचित अवसर होगा वहां पर सरकार बनाये जाने का। व्यक्तिगत रूप से मेरा यह विचार है कि अभी गुजरात में वह स्थिति नहीं उत्पन्न हुई है कि वहां पर कोई स्थायी सरकार बन सके। अभी तक कांग्रेस पार्टी ने गुजरात में सरकार न बना कर यह सिद्ध कर दिया है कि कांग्रेस पार्टी को कभी भी सत्ता की चाह नहीं रही है। कांग्रेस पार्टी तो चाहती है कि देश के अंदर स्थायी सरकार बने चाहे केन्द्र में हो चाहे प्रदेश में जिससे जनता की उचित तरीके से सेवा हो सके।

यह एक अच्छी बात है कि राष्ट्रपति शासन के होने से गुजरात में 20 सूत्री कार्यक्रम का कार्यान्वयन हो रहा है, पांच सूत्री कार्यक्रम का कार्यान्वयन हो रहा है। इसलिए मुझे बिलकुल उचित लगता है कि यह जो कार्यकाल राष्ट्रपति शासन का बढ़ाया जा रहा है इसे बढ़ाया जाना चाहिए और जब उचित परिस्थितियां वहां पर पैदा हो जायं तभी वहां निर्वाचन कराया जाना चाहिए। अगर छः महीने में भी उचित परिस्थितियां न पैदा हों तो हमें और छः महीने बढ़ाने में कोई आपत्ति नहीं होनी चाहिए क्योंकि हमारे सामने निर्वाचन की बहुत चिन्ता नहीं होनी चाहिए, हमारी चिन्ता होनी चाहिए कि गुजरात की जनता का कल्याण किस प्रकार से हो। गुजरात के निर्माण, गुजरात की प्रगति और गुजरात के विकास में हमारा विश्वास होना चाहिए। वहां की जो अनुसूचित जनता है, वहां का जो सर्वहारा समाज है, जो शोषित जन हैं उनके निर्माण में हमारी रुचि होनी चाहिए।

इन शब्दों के साथ मैं इस संकल्प का समर्थन करता हूं।

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): Mr. Chairman, Sir, I am grateful to all the hon. Members who have participated in the Debate on this Resolution and have given their wide support and if I may say so their unanimous support to this Resolution. We may recall to our memory under what circumstances the janta morcha government fell. The Government fell obviously because of internal contradictions and because of a defeat on the floor of the House and naturally as the congress party was reluctant or was not eager to form government, President's rule had to be imposed.

During the discussion of a like resolution in March there was a discussion on the type of administration that Gujarat had under morcha government. It was felt by many in this House and in the other House that there were several abuses in the administration in the State, that the administration had deteriorated, that it

[Shri K. Brahmananda Reddy]

was party oriented, that there was no sincerity in the implementation of the 20 point programme, that many people operating against the emergency were operating there from the soil of Gujarat, indulging in clandestine literature, indulging in certain other violent activities and so on.

Now, Sir, I claim today, after six months of President's rule, that several steps had been taken to tone up the administration, to improve efficiency, weed out corrupt people, and sincerely and effectively undertake implementation of 20 point economic programme to cater to the needs of the smaller, poorer sections of people, maybe, small farmers, marginal farmers, harijans, tribals and other poorer people

While moving this Resolution I had occasion to tell you about the several steps taken, how a qualitative change in the administration had been brought about, bringing in efficiency, and generally, bringing in certain amount of satisfaction to the people of Gujarat, certain amount of confidence in the people of Gujarat in the administration of the State. Therefore it is not necessary for me again to go into those very aspects

I have already said how land reform laws are being tackled, how sites are being distributed to small farmers, how minimum wages Act is being implemented and how in the implementation of several other programmes speed is brought to bear on the administration as a whole.

We had a meeting of the Consultative Committee of Parliament in Gujarat itself where several hon. Members belonging to several parties took part, there was discussion for more than four hours, hon. Members had their own observations to make, some critical reference were also made as that of Mr. Bhogendra Jha who came fresh from his padyatra.

Therefore, he makes certain comments which he made even to-day. I am only trying to submit in this House that in several activities, the State Administration has taken several steps to bring as much relief as possible to the people. Unfortunately, as all of you are aware, in June last, there was a very big cyclone, there was a huge loss of life, there was loss of property as well as loss of cattle etc., etc. I had the privilege to go there, to see certain areas somewhere and talk to the people concerned and afforded the necessary relief to the cyclone-affected people.

I must congratulate the State Administration for taking very speedy and effective and even preventive action so far as cyclone affected people were concerned. I need not go into details on the amount of relief afforded in several directions and on how gratuitous relief was given and how other relief was given. I need not trouble the hon. Members just now about it You all know that one of the most important items in the 20-Pomt Economic Programme is of holding the priceline which is very essentials for the common people of India In fact, they have taken several steps to see to it that the priceline is kept under check But, unfortunately, in July, because it was a big groundnut centre, the price of groundnut had risen and it showed an upward trend. In July, 1976, Government took a very action against the traders and oil millers—9 traders and oil millers were detained under MISA (*Interruptions*) I do not know but this may be with regard to the groundnut. With regard to the other things, I had mentioned yesterday in my speech that about 43 people or so were taken into custody and the holding of the groundnut and oil stock was reduced drastically so that the groundnut and groundnut oil stocks with the agriculturists get dehoarded.

My submission, therefore, to the House is that to the maximum extent possible, the State Administration is taking sufficient steps to not only implement the other aspects of the 20-Point Programme but also afford relief

to the common people by seeing to it that the prices of essential commodities did not shoot up.

Sir, there was an allegation made yesterday namely that the minimum wages had not been paid and even today my friend, Shri Bhogendra Jha has mentioned about the areas where he went and where he came across some bonded labour. These various allegations and remarks were made in the Consultative Committee meeting at Ahmedabad when it last met on the 15th May. It is not as if the Administration slept over what Mr. Bhogendra had said. The District Magistrate, Mehsana had enquired into the remarks made by him. He conducted the inquiry personally and as per his report.

> "There is no system of bonded labour as such though cases of non-payment of minimum wages came to notice whereupon necessary action was taken".

It is not as if they are not alive ...

SHRI BHOGENDRA JHA. I have come to know that a person, for the sake of marriage, took some money in some cases it is Rs. 700, 800 or 500 and then he ceased to work with the landowners at his place and he was not even permitted to visit his family and not relieved, by what we may call, from bonded labour. His camel and the cart were forfeited. What else is called bonded labour?

SHRI K. BRAHMANANDA REDDY: Let me tell Mr. Bhogendra Jha even now though an enquiry has been made by a District Magistrate on the remarks made by him at the Consultative Committee meeting yet if he is dissatisfied with the reply that I have given he may write to me all the details and I will see to it that an officer of requisite standing goes on the spot and sends me a report. Afterall we are all interested in seeing to it that this bonded labour system is abolished. We are clear in our minds and I do not think there is any party difference in that regard. It should go and it must go and if there are any bonded labourers in any area or something akin to it it is certainly a matter to be gone into and speedy action taken.

Yesterday, Mr. Halder who opened the debate made a remark about the tribal area sub-plans. Sir, Gujarat has prepared a Tribal area Sub-Plan covering 32 talukas in Surat, Valsad, Bharuch, Vadodra, Panch Mahals, Sabarkantha and Dangs districts. The Sub-plan envisages an outlay of Rs. 154 89 crores with Rs. 84.06 crores from the State sector. The area of the Sub-plan has been demarcated into 8 projects, each in charge of a senior officer of the rank of the Collector. For the current year, an amount of Rs. 15 crores has been provided for the Sub-plan from the State sectors of development supplemented by Rs. 3.55 crores of special Central subsidy. 219 schemes are included in the current year's programme for the Sub-plan.

In addition to this—I would like to inform the House—a Bill has been drafted to ensure that tribal land holders are protected against alienation of land in favour of non-tribals and to restore land aliented in the past. Further Sir, in a recent decision of the Government, tribal tenants who have been made owners of land under the Tenancy Act are to get loans at 4 per cent interest as against the interest rate of 11 per cent charged by the Gujarat State Cooperative Land Development Bank so far. The Bank will be granted subsidy to the extent of interest differential.

So these are various measures being taken in regard to tribal development areas and I would like to say that the State has been taking active steps in this direction.

Sir another point of great importance was made and that has also been agitating the minds of the people of Kutch. Kutch was formerly a part 'C' State and later on after reorganisa-

[Shri K. Brahmananda Reddy]

tion when it came under Gujarat the people of Kutch had been claiming—particularly my friend, Dr. Mahipatray Mehta—that a separate development board has to be established for Kutch. Sir, in this respect I must also thank the Prime Minister for having taken keen interest in this matter. She has been to the Kutch area. I have also been there recently. Previously the erstwhile government of Bombay and the Government of Gujarat were taking a stand which was not very helpful. However, the present administration has taken a helpful attitude and has recommended to the Government that a development board under Article 371(2) be established so that the development in that backward area can be accelerated.

This is a very good thing so far as the million or so people of the Kutch area are concerned. I hope several steps will be taken after the Development Board is constituted, sufficient funds will be earmarked and development schemes taken up in right earnest to alleviate the sufferings of these people who have been suffering for a long time.

Honourable friends, particularly Shri Mavalankar and others, asked: 'when you have a majority, when you have got 105 people or so, why not form a Government?' It is not as if we in the Congress Party are against any popular government. We want popular government. As I have said even previously, it is not the anxiety to form a government which is important, but what is important is how it helps the people of that State, whether it helps and adds to the welfare of the State, of the people of the State and also whether you can give a stable government to the people of Gujarat which for quite some years was having unstable administration leading to many troubles, either political or otherwise. Therefore, if you form a government early, you are accused; if you do not form a government, then also you are accused. This is a strange situation.

My only submission to the House is that certainly the situation is under watch. If Government feel that a stable government which can cater effectively to the needs of the people of the State, which can effectively administer it, can be formed, certainly it is a case for Government to consider.

SHRI P. G. MAVALANKAR: Why are you keeping the Assembly in suspension, in suspended animation, if you have no hopes of forming a government? Dissolve the Assembly and have new elections.

SHRI K. BRAHMANANDA REDDY: I have not said we have no hopes. Did I say that? Do not try to quote to me something I have not said.

SHRI P. G. MAVALANKAR: How many more defectors do you want?

SHRI K. BRAHMANANDA REDDY: We are anxious to see that the State is administered effectively and properly.

SHRI P. G. MAVALANKAR: That I accept.

SHRI K. BRAHMANANDA REDDY: We are anxious to see that a stable government is formed so that it can also function effectively. When Government feel that a situation has arisen when a stable government, which can effectively deliver the goods to the people is possible, certainly they will do so. But I do not think what Shri Bhogendra Jha had said is possible, namely, why not dissolve the Assembly? I can say straightway that dissolution is not under Government's consideration.

SHRI BHOGENDRA JHA: It may happen. You will be compelled to do so by the number of defectors.

SHRI K. BRAHMANANDA REDDY: It is not as if we are unaware of what

is happening there. We are aware of it. We are aware of the circumstances that are obtaining in the State of Gujarat politically, economically and administratively. Therefore, my submission to the House is that when circumstances are propitious for forming a government, certainly active steps will be taken to do so. But what counts most, in my opinion, is the welfare of the people of Gujarat, a stable government for the people of Gujarat.

Shri Mayathevar asked the question: Why don't you find some permanent remedy for these unstable governments? So far as I can see, a permanent remedy can be found if all parties in India play the rules of the game; then certainly stable governments can be formed. There can be no difficulty. But when there is the anxiety for all types of people to come together, irrespective of their ideals, ideas, programmes etc. and to try to run a government, certainly difficulties crop up after the government is formed. We have seen it in 1967; it is not as if it is a fresh experience. Therefore, if democracy has to be run effectively and properly, all of us, the government, the opposition, all parties who want to take part in democracy, must be able to play the rules of the game. If they want to have shortcuts to power, difficulties arise, leading to distortions in society. Therefore, the continuation of President's rule in Gujarat for another period of six months is necessary in the interest of the State of Gujarat and I commend the resolution for acceptance by the House.

SHRI BHOGENDRA JHA: What is the hurdle in forming non-official implementation committees for 20 point programme, consisting of the Congress party, Communist party and like minded forces? Secondly in groundnut prices the peasants were looted; the price fell and then it rose. I want to know whether administration failed or connived at? What is the cause?

SHRI K. BRAHMANANDA REDDY: At the last session of the consultative committee Members had urged that in the implementation of the 20 point programme people's participation should be there. Government of Gujarat have taken necessary action for constituting committees at the district level to secure the most purposeful implementation of the 20-point programme. The president of the district panchayat, all the M.Ps, M.L.As, etc of the district and five non-officials representing (1) the fields of agricultural production, marketing (2) cooperation (3) industry (4) labour and (5) education are members of this committee.

SHRI BHOGENDRA JHA: Is it a partyless democracy?

SHRI K. BRAHMANANDA REDDY: Why do you say that? The panchayats are elected panchayats. In addition you have got five non-officials representing the fields I mentioned. Certainly the people concerned, the various denominations should have found a place. I have not been able to check up all the details. But five non-official members are there.

SHRI BHOGENDRA JHA: One last question.

MR. CHAIRMAN: No, please. The question is:

"That this House approves the continuance in force of the Proclamation issued by the President on the 12th March, 1976, under article 356 of the Constitution, in relation to the state of Gujarat, for a further period of six months with effect from the 24th September, 1976."

The Lok Sabha divided.

Division No. 7] AYES [17.45 hrs.

Aga, Shri Syed Ahmed
Ahirwar, Shri Nathu Ram

Ambesh, Shri
Austin, Dr. Henry
Awdhesh Chandra Singh, Shri
Aziz Imam, Shri
Babunath Singh, Shri
Bajpai, Shri Vidya Dhar
Banerji, Shrimati Mukul
Barman, Shri R. N.
Basumatari, Shri D.
Bhaura, Shri B. S.
Bhuvaraham, Shri G.
Bist, Shri Narendra Singh
Chandrappan, Shri C. K.
Chandrashekharappa Veerabasappa, Shri T. V.
Chaturvedi, Shri Rohan Lal
Chaudhary, Shri Nitiraj Singh
Chikkalingaiah, Shri K.
Dalbir Singh, Shri
Damani, Shri S. R
Dandavate, Prof. Madhu
Darbara Singh, Shri
Das, Shri Dharnidhar
Dasappa, Shri Tulsidas
Deshmukh, Shri K G.
Dhamankar, Shri
Dumada, Shri L. K
Dwivedi, Shri Nageshwar
Gandhi, Shrimati Indira
Ganga Devi, Shrimati
Gavit, Shri T. H.
Godara, Shri Mani Ram
Gowda, Shri Pampan
Hari Singh, Shri
Ishaque, Shri A K. M
Jaffer Sharief, Shri C. K.
Jamilurrahman, Shri Md.
Jha, Shri Phogendra
Jharkhande Rai, Shri
Kadam, Shri Dattajirao
Kadam, Shri J. G
Kader, Shri S. A.
Kamble, Shri T. D.
Kaul, Shrimati Sheila
Kavde, Shri B. R.
Khan, Shri I. H.
Kinder Lal, Shri
Kisku, Shri A. K.
Krishnan, Shri G. Y.
Lakkappa, Shri K.
Lutfal Haque, Shri
Mahajan, Shri Vikram
Maharaj Singh, Shri
Majhi, Shri Gajadhar
Majhi, Shri Kumar
Mandal, Shri Jagdish Narain
Mandal, Shri Yamuna Prasad
Manhar, Shri Bhagatram
Manjhi, Shri Bhola
Maurya, Shri B. P.
Mayathevar, Shri K.
Mishra, Shri Jagannath
Mohammad Yusuf, Shri
Mohapatra, Shri Shyam Sunder
Mohsin, Shri F. H.
Murmu, Shri Yogesh Chandra
Naik, Shri B. V.
Nayak, Shri Baksi
Negi, Shri Pratap Singh
Nimbalkar, Shri
Oraon, Shri Kartik
Painuli, Shri Paripoornanand
Palodkar, Shri Manikrao
Pandey, Shri Krishna Chandra
Pandey, Shri Narsingh Narain
Pandey, Shri R. S.
Pandit, Shri S. T.
Paokai Haokip, Shri
Paswan, Shri Ram Bhagat
Patel, Shri Arvind M.
Patel, Shri Natwarlal
Patil, Shri Krishnarao
Patil, Shri S. B.
Patil, Shri T. A.
Peje, Shri S. L.
Pradhan, Shri Dhan Shah

Pradhani, Shri K.
Purty, Shri M. S.
Qureshi, Shri Mohd. Shafi
Raghu Ramaiah, Shri K.
Ram Swarup, Shri
Ramji Ram, Shri
Rao, Shrimati B. Radhabai A.
Rao, Shri P. Ankineedu Prasada
Rao, Shri Pattabhi Rama
Rathia, Shri Umed Singh
Ray, Shrimati Maya
Reddy, Shri Sidram
Richhariya, Dr. Govind Das
Roy, Shri Bishwanath
Rudra Pratap Singh, Dr.
Saini, Shri Mulki Raj
Sayeed, Shri P. M.
Shahnawaz Khan, Shri
Shailani, Shri Chandra
Shambhu Nath, Shri
Shankar Dev, Shri
Shankaranand, Shri B.
Sharma, Shri R. N.
Sharma, Dr. Shanker Dayal
Shashi Bhushan Shri
Shastri, Shri Ramavatar
Shastri, Shri Sheopujan
Shivappa, Shri N
Shukla, Shri B. R.
Siddayya, Shri S. M.
Sinha, Shri Dharam Bir
Sokhi, Sardar Swaran Singh
Swaran Singh, Shri
Tayyab Hussain, Shri
Tiwari, Shri R. G.
Tiwary, Shri D. N.
Tulsiram, Shri V.
Uikey, Shri M. G.
Zulfiquar Ali Khan, Shri

NOES

Dhote, Shri Jambuwant
Mavalankar, Shri P. G.
†Oraon, Shri Tuna
Ram Hedaoo, Shri

MR. CHAIRMAN: The result* of the division is: Ayes 125; Noes 4.

The motion was adopted.

17.47 hrs.

STATUTORY RESOLUTION RE: GUARANTEE BY TAMIL NADU GOVERNMENT IN RESPECT OF DEBENTURES OF TAMIL NADU CO-OPERATIVE STATE LAND DEVELOPMENT BANK LTD.

THE MINISTER OF STATE IN THE MINISTRY OF AGRICULTURE AND IRRIGATION (SHRI SHAH NAWAZ KHAN): I beg to move:

"That this House concurs with the proposal of the Government of Tamil Nadu to increase, under sub-section (2) of section 6 of the Tamil Nadu Co-operative Land Development Banks Act, 1934 (Tamil Nadu Act X of 1934), the maximum amount of the guarantee given by that Government in respect of the debentures issued by the Tamil Nadu Co-operative State Land Development Bank Limited, upto a total value of Rs. 250 crores (Rupees two hundred and fifty crores only) exclusive of such debentures as the Bank may, from time to time, redeem, such debentures being issued for periods not exceeding in any case, 25

†Wrongly voted for Ayes.

*The following Members also recorded their votes for AYES: Sarvashri Mohammad Tahir and Tuna Oraon.

[Shri Shah Nawaz Khan]

years from the date of issue and bearing interest at a rate not exceeding the rate of interest approved by the Reserve Bank of India for each series of debentures."

MR. CHAIRMAN: The question is:

"That this House concurs with the proposal of the Government of Tamil Nadu to increase, under subsection (2) of section 6 of the Tamil Nadu Co-operative Land Development Banks Act, 1934 (Tamil Nadu Act X of 1934), the maximum amount of the guarantee given by that Government in respect of the debentures issued by the Tamil Nadu Co-operative State Land Development Bank Limited, upto a total value of Rs. 250 crores (Rupees two hundred and fifty crores only) exclusive of such debentures as the Bank may, from time to time, redeem, such debentures being issued for periods not exceeding in any case, 25 years from the date of issue and bearing interest at a rate not exceeding the rate of interest approved by the Reserve Bank of India for each series of debentures."

The motion was adopted.

17.48 hrs.

SCHEDULED CASTES AND SCHEDULED TRIBES ORDERS (AMENDMENT) BILL

THE MINISTER OF HOME AFFAIRS (SHRI K. BRAHMANANDA REDDY): I beg to move:

"That the Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the re-adjustment of representation of parliamentary and assembly constituencies in so far as such re-adjustment is necessitated by such inclusion or exclusion and for matters connected therewith, be taken into consideration."

As the hon. Members are aware, the question of revising the lists of Scheduled Castes and Scheduled Tribes has been under consideration for many years. In 1965 the Lokur Committee was appointed to go into the matter and make suggestions for a comprehensive revision of the lists. The recommendations of this Committee were examined by the Government and discussions were held in 1966 with hon. Members of Parliament and State Ministers belonging to Scheduled Castes and Scheduled Tribes. Thereafter, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967 was introduced in Lok Sabha and referred to a Joint Committee. The Bill, as reported by the Joint Committee, was taken up for consideration by the Lok Sabha. However, on account of some controversies, consideration of the Bill was held over and the Bill finally lapsed with the dissolution of the Lok Sabha in December 1970.

Article 341 of the Constitution relates to castes being specified by notification with respect to any State or Union Territory as Scheduled Castes in relation to that State or Union Territory. Similarly, article 342 relates to notification of specified tribes with respect to any State or Union Territory as Scheduled Tribes in relation to that State or Union Territory, as the case may be. A major difficulty experienced by several communities arose from the fact that in some States they are at present scheduled only in a part of the State, and not in respect of the entire State, with the result that the benefits, concessions and reservations available to Scheduled Castes and Scheduled Tribes are confined only to a particular, and at times narrow geographical area, in the State. For example, in the Vidarbha area of Maharashtra, there are

many communities which are scheduled only in respect of certain districts or tehsils with the result that members of the community living in certain villages are regarded as Scheduled Tribes, while members of the same community with the same tribal characteristics and handicaps living in the nearby villages are not treated as Scheduled Tribes. Such difficulties also occur in other States, particularly Andhra Pradesh, Karnataka, Gujarat and Madhya Pradesh. There are 729 cases in the list of Scheduled Castes and 397 cases in the list of Scheduled Tribes where such area restrictions have been operative.

The Joint Committee on the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967 had recommended the removal of area restrictions in most of these cases. Exceptions were sought to be made only in regard to cases where two distinct communities living in different areas bore the same name, or where members of the same community living in some parts of the State has reached a much higher social and educational status and did not fulfil the criteria for scheduling in those parts of the State.

The removal of area restrictions is a long felt need and is a matter on which there has been general agreement. Removal of these area restrictions will benefit a large number of persons, who will be entitled to the fruits of special welfare and developmental schemes for Scheduled Castes and Scheduled Tribes, reservation in services, etc. The present Bill has been brought forward with a view to removing area restrictions, as far as possible, and thus do away with the anomalies which exist at present.

While the general scheme of the Bill is for abolition of area restrictions, such restrictions have been retained in 25 cases in the list of Scheduled Castes and 39 cases in the list of Scheduled Tribes. Most of these restrictions have been retained in the cases of those communities in respect of whom the Joint Committee had proposed such restrictions.

The Joint Committee had also recommended the inclusion of certain communities and exclusion of certain others from the list. These are matters on which there is considerable divergence of opinion and will accordingly have to be examined further in depth. The present Bill, therefore, does not deal with this aspect of the matter. Its general scheme is not to have any inclusion in, and exclusion from, the existing lists of Scheduled Castes and Scheduled Tribes, except to the extent they are consequential to the removal of area restrictions, which is the basic object of the Bill. However, such of those communities which were recommended for exclusion by the Committee and in respect of which there had been no census returns in 1961 as also in 1971 have not been retained in the Bill. In other cases where the committee had recommended exclusion, the *status quo* has been maintained and whenever any area restriction now applies, such, restriction is also being continued. In other words while many will stand to gain from the provisions of the Bill, none will be deprived of a benefit that may exist at present.

Before I proceed further, I would like to clarify some possible doubts and misapprehensions that may arise in the minds of the hon. Members about the provisions and the scope of the Bill. There has been at times a general criticism that Scheduled Castes or Scheduled Tribes of one State are not treated as such in another State. As I have mentioned earlier, articles 341 and 342 of the Constitution envisage scheduling of specified castes and tribes in relation to particular States or Union Territories only. The Scheduled Castes or Tribes of one State will thus not necessarily be scheduled in another State, and if in any case they happen to be so, it is a matter of pure coincidence. The framers of the constitution apparently wanted the question of scheduling of a Caste or a Tribe to be linked with the socio-economic condi-

[Shri K. Brahmananda Reddy]

tions and the milieu in each State and did not envisage any all-India list of Scheduled Castes or Scheduled Tribes as such. Apart from this general question, representations have been received from time to time about the inclusion and exclusion of particular communities in specific States. Demands have been made also on the floor of the House in this regard from time to time. It would be recalled that the Joint Committee had also made recommendations regarding inclusion to and exclusion from the list of Scheduled Castes/Tribes. This was a matter, however, where there has been a considerable difference of opinion, divergence of approach and conflicting views have been expressed even by various State Governments. On the question of removal of area restrictions, however, there has been no disagreement or controversy. It was felt, accordingly, that the issue of removal of area restrictions should be delinked from the question of inclusion or exclusion and the benefits and concessions which will flow from the removal of area restrictions should not be denied by bringing in the wider question which bristles with many difficulties and will have to be examined further I had announced therefore while replying to Demands for Grants of my Ministry in this House on 2-4-1976 that the question of area restriction would be separated and a suitable legislation for the purpose introduced shortly. The present Bill has been brought up in fulfilment of this assurance to the House.

As a result of this Bill, there will be an increase in the total population of Scheduled Castes and Scheduled Tribes. We have made a provision in the Bill to enable the Registrar General to re-estimate the population of Scheduled Castes and Scheduled Tribes on the basis of the new lists. It will also be necessary to re-allocate the reserved constituencies Necessary provision for this has also been made in the Bill. The task of re-estimation of the population and re-allocation of reserved constituencies is likely to take some time. It is, therefore, very necessary that the Bill should be passed during the current session of Parliament itself.

With these words, Sir, I commend the Bill for consideration and approval of this House.

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the re-adjustment of representation of parliamentary and assembly Constituencies in so far as such re-adjustment is necessitated by such inclusion or exclusion and for matters connected therewith, be taken into consideration."

SHRI KARTIK ORAON (Lohardaga). I beg to move:

"That the Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and tribes, for the re-adjustment of representation of parliamentary and assembly constituencies in so far as such re-adjustment is necessitated by such inclusion or exclusion and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 31 members, 21 from this House, namely:—Shri Nathu Ram Ahirwar, Shri T. Balakrishniah, Shri Dharnidhar Basumatari, Shri B. S. Bhaura, Shri M C. Daga, Shri B. K. Daschowdhury, Shri C. T. Dhandapani, Shri T. H. Gavit, Shri Krishna Chandra Haider, Shri Subodh Hansda, Shri A. K. Kisku, Shri Nihar Laskar, Shri Bhaljibhai Ravjibhai Parmar, Shri Paripoornanand Painuli, Shri K Pradhani, Shri Ram Surat Prasad, Shri Shambhu Nath, Shri S. M. Siddayya, Shrimati Bhargvi Thankappan, Shri M. G. Uikey, and Shri Kartik Oraon; and

10 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee that quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 10 members to be appointed by Rajya Sabha to the Joint Committee." (115)

श्री झारखंड राय (घोंसी) : मान्यवर, हम एक महान देश के निवासी हैं। हमारे देश में उत्तर से दक्षिण पूरब से पश्चिम—चारो तरफ सैकड़ों-हजारों जातिया और उप-जातिया फैली हुई हैं। यदि हम इतिहास के पुराने पन्नों को देखें, विशेषकर वैदिक काल में और विशेषतया ऋगवेदिक काल में, तो केवल आर्य और अनार्य दो जातियों की चर्चा हमारे यहा पाई जाती है। गीता युग में चार वर्णों की व्यवस्था की बात बतलाई गई है—ब्राह्मण, क्षत्रिय, वैश्य और शूद्र, लेकिन पौराणिक काल आते-आते हमारे देश में सांस्कृतिक पतनोन्मुख दशा में सैकड़ो नही, हजारों जातियों और उपजातिया फैल गईं, जो हमारे देश के लिये समस्या बनी हुई है। हमारे देश की सामाजिक व्यवस्था विशेषकर हिन्दू-समाज की कुछ ऐसी है जो शायद ही किसी दूसरे देश में पाई जाती हो। यह हमारी सामाजिक विशिष्टता है, जो अन्यत्र नहीं है। इसका प्रभाव हमारे जीवन के हर क्षेत्र मे देखा जाता है। इन जातियों और उप जातियों की वजह से वर्ग संघर्ष की हानि होती है। इनका होना वर्ग संघर्ष के लिए अभिशाप है। और यह इसलिए क्योंकि एक ही जाति या उप जाति के लोग, दोनों ही किसी किसी भावात्मक स्थिति में एक सा ही सोचने लगते है, एक तरह की बात करते दिखाई देते है। इससे अमीर-गरीब का वर्ग प्रश्न पीछे हट जाता है। यही बात विभिन्न धर्मों के बारे मे पाई भी जाती है।

28 साल की स्वतन्त्रता के बाद भी हमारे देश की जन जातियों और अनुसूचित जातियों के उद्धार की दिशा में उतना काम नहीं हो सका जितने की अपेक्षा थी। इस दिशा में अब तक जो कुछ हो सका है—आर्थिक, सामाजिक, सांस्कृतिक, या नैतिक—या हुआ है वह बहुत कम हुआ है। जितनी आशा की जा सकती थी और जिस तेजी से विकास की गति बढ़नी चाहिये नहीं बढ़ी है।

बीस सूत्री कार्यक्रम में इन जातियों और उप जातियों, अनुसूचित जातियो आदि के उद्धार की तरफ कुछ ठोस कदम उठाए गए हैं। इनका सामन्त विरोधी पहलू है। यद्यपि जो कुछ दावे किए जाते है वे उतने तो सही नही है लेकिन 25 से 30 प्रतिशत तक जो कार्य बीस सूत्री कार्यक्रम के अन्तर्गत देश में पिछले एक साल में हुआ है वह जरूर प्रशंसनीय है। गत 28 वर्ष में पहली बार बड़े पैमाने पर इन अनुसूचित जातियों और जन जातियों की तरफ ध्यान पूरे राष्ट्र का और पूरी सरकार का गया है।

यह विधेयक देखन में बड़ा साधारण सा दिखाई देता है। इस के द्वारा कुछ जातियों को सूची में सम्मिलित किया जा रहा है और कुछ को जो सूची मे है उस में से निकाला जा रहा है स्वराष्ट्र मन्त्री जी के वक्तव्य से यह बात साफ नही हुई है और न ही इस विधेयक से यह

[श्री आरखडे राय]

बात स्पष्ट होती है कि जिन अनुसूचित जातियों या जन जातियों को निकाला गया है उस सूची में से, उसके कारण क्या है, क्या पिछले 24-25 साल के भीतर उनका इतना विकास हो गया है कि उनको निकाल दिया जाए, जिन कारणो से उन्हे शामिल किया गया था क्या वे कारण अब नही रहे, क्या आज उनकी जो भौतिक परिस्थितिया थी वे इतनी बदल गई है कि उनको निकाल दिया जाना चाहिये सूची मे से ?

एक असामजस्य का स्वराष्ट्र मन्त्री जी ने भी अपने वक्तव्य के दौरान जिक्र किया है। हमारे यहा उत्तर प्रदेश म एक थारू जाति है जो पर्वतीय क्षेत्रो में बसती है। उसकी आबादी यहां सत्तर हजार से अधिक नही है । लेकिन इस जाति की सब से ज्यादा आबादी बिहार में है जोकि 1 लाख 75 हजार के करीब है। उत्तर प्रदेश में और उडीसा मे भी तो इसको जन जाति माना गया है लेकिन बिहार मे नही माना गया है। इस तरह के असामजस्य की स्थिति हमारे देश के अन्य भागा मे भी पाई जाती है। थारू और बोक्सा जाति हमारे यहा उत्तर प्रदेश के पर्वतीय क्षेत्रों मे बहुत ही निर्धन और गरीब जाति है। उसके पास थोडा-थोडी जमीन थी। पिछले 25 साल मे आजादी के बाद से उनकी जमीने धीरे धीरे उनके हाथो से निकल गई हैं। या तो जो पजाब से बडे बडे धनी मानी आए थे, कुलक आए थे उन्होने उन पर कब्जा कर लिया है या उत्तर प्रदेश के धनी मानी सेठों और कुछ भू-स्वामियो ने, बड़े बडे उच्चाधिकारियों ने उन पर कब्जा कर लिया है और आज यह थारू और बोक्सा जाति करीब करीब मिटने के किनारे पहुच चुकी है। और दर-दर की भिखारी बन गई है। आप माननीय के० सी० पन्त और मुख्य मन्त्री नारायण दत्त तिवारी से पूछ सकते हैं।

इसी तरह कुछ और भी हिस्सों में कुछ जातिया ऐसी हैं जिन के प्रतिनिधि मण्डल और जिन के मांग पत्र सरकार के पास आए हैं लेकिन अभी तक उस पर स्पष्ट कार्यवाई कोई नही की गई है और न इस विधेयक मे उसकी चर्चा है। मन्त्री महोदय के वक्तव्य में भी इस पर कोई स्पष्ट प्रकाश नही डाला गया है। बिहार के कुछ भाग 1956 मे बगाल को हस्तातरित किए गए थे। उस में दिनाजपुर जिले का इस्लामपुर क्षेत्र है जहा कुछ जातिया बसता है। उन के नाम हैं हरि, राजवसी, सुनरी, नामशूद्र आदि । यह उप-जातिया हस्तातरित क्षेत्र के अन्दर अनुसूचित या जन जातिया नही मानी जाती है ।

सभापति महोदय आप कल जारी रखें। अब हम उठते है और सदन कल 11 बजे फिर मिलेगा।

18 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, September 2 1976/ Bhadra 11, 1898 (Saka)